

EXHIBIT 1

MOTION TO INTERVENE AND ACCOMPANYING DOCUMENTS

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

JANE DOE, on behalf of herself and all
others similarly situated,

Plaintiff,

vs.

MINDGEEK USA INCORPORATED,
MINDGEEK S.A.R.L., MG
FREESITES LTD (D/B/A PORNHUB),
MG FREESITES II LTD, MG
CONTENT RT LIMITED, AND 9219-
1568 QUEBEC, INC. (D/B/A
MINDGEEK),

Defendants.

Case No.: 8:21-cv-00338-CJC-ADS

CLASS ACTION

**NOTICE OF PROPOSED
INTERVENOR'S MOTION TO
INTERVENE TO STAY OR
TRANSFER ACTION PURSUANT
TO THE FIRST-TO-FILE RULE**

Date: October 2, 2023
Time: 1:30 P.M.
Crtrm: 9B
Judge: Hon. Cormac J. Carney

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on October 2, 2023 at 1:30 p.m., or as soon
thereafter as this matter may be heard, Proposed Intervenor Jane Doe #1, on behalf of
herself and all others similarly situated (hereinafter "Proposed Intervenor"), will and

1 hereby respectfully moves to intervene in the instant action for the limited purpose of
 2 apprising this Court of the first-filed matter captioned *Doe #1 v. MG Freesites, LTD et*
 3 *al.*, No. 7:21-220-LSC, in the United States District Court for the Northern District of
 4 Alabama, and to stay or transfer this action pursuant to the First-to-File Rule.

5 This Motion will be heard in the Courtroom of the Honorable Cormac J. Carney
 6 for the United States District Court in the Central District of California. The Court is
 7 located at the Ronald Reagan Federal Building and United States Courthouse,
 8 Courtroom 9B, 411 West Fourth Street, Santa Ana, CA 92701-4516.

9 This Motion is based on this Notice of Motion, the attached Memorandum of
 10 Points and Authorities, the attached Declaration of Gregory Zarzaur and supporting
 11 exhibits, the pleadings on file in this action, and upon such other matters as may be
 12 presented to the Court at the time of the hearing.

13 This Motion is made following the conference of counsel pursuant to Local Rule
 14 7-3 which took place on August 22, 2023.

15
 16 Dated: August 29, 2023

KAZEROUNI LAW GROUP, APC

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CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kazerouni Law Group, APC, 245 Fischer Avenue, Unit D1, Costa Mesa, CA 92626. On August 29, 2023, I served the within document(s).

- **NOTICE OF PROPOSED INTERVENOR'S MOTION TO INTERVENE TO STAY OR TRANSFER ACTION PURSUANT TO THE FIRST-TO-FILE RULE**
- **PROPOSED INTERVENOR'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO INTERVENE TO STAY OR TRANSFER ACTION PURSUANT TO THE FIRST-TO-FILE RULE; AND**
- **DECLARATION OF GREGORY ZARZAUR IN SUPPORT OF PROPOSED INTERVENOR'S MOTION TO INTERVENE TO STAY OR TRANSFER ACTION PURSUANT TO THE FIRST-TO-FILE RULE**
- **EXHIBIT A**
- **EXHIBIT B**
- **EXHIBIT C**
- **EXHIBIT D**
- **EXHIBIT E**
- **EXHIBIT F**
- **EXHIBIT G**
- **EXHIBIT H**

X CM/ECF - by transmitting electronically the document(s) listed above to the electronic case filing system on this date before 11:59 p.m. The Court's CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record who are registered with the Court's CM/ECF system.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 29, 2023, at Costa Mesa, California.

/s/ Abbas Kazerounian
Abbas Kazerounian, Esq.



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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

JANE DOE, on behalf of herself and all
others similarly situated,

Plaintiff,

vs.

MINDGEEK USA INCORPORATED,
MINDGEEK S.A.R.L., MG
FREESITES LTD (D/B/A PORNHUB),
MG FREESITES II LTD, MG
CONTENT RT LIMITED, AND 9219-
1568 QUEBEC, INC. (D/B/A
MINDGEEK),

Defendants.

Case No.: 8:21-cv-00338-CJC-ADS

CLASS ACTION

**PROPOSED INTERVENOR'S
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO INTERVENE TO
STAY OR TRANSFER ACTION
PURSUANT TO THE FIRST-TO-
FILE RULE**

Date: October 2, 2023
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1 **I. INTRODUCTION**

2 The undersigned attorneys represent Proposed Intervenor, Plaintiff Jane Doe #1
3 (hereinafter “Proposed Intervenor”), in the parallel and first-filed putative class action
4 captioned *Doe #1 v. MG Freesites, LTD*, No. 7:21-cv-00220-LSC, in the United States
5 District Court for the Northern District of Alabama (the “Alabama Action”). The
6 Alabama Action, which raises virtually identical allegations and asserts the same
7 federal causes of action against the same defendants, was already pending in Northern
8 District of Alabama before the filing of the California Action (the “California Action”)
9 in this Court. Plaintiff in the California Action has known this all along, as she filed a
10 “Notice of Pendency of Other Actions or Proceedings” the same day she initiated the
11 California Action specifically noting the pendency of the Alabama Action that
12 “involves substantially the same subject matter” as the California Action.

13 The California Action is nearly identical to the first-filed Alabama Action such
14 that this Court should allow Proposed Intervenor to intervene in the California Action
15 for the limited purpose of seeking a stay of the California Action pending resolution of
16 the Alabama Action, or, alternatively, a transfer of the California Action to the
17 Northern District of Alabama pursuant to the First-to-File Rule. Staying or transferring
18 the California Action will not prejudice Plaintiff in the California Action as she is a
19 member of the putative class alleged in the first-filed Alabama Action. Moreover,
20 staying or transferring the California Action would save judicial resources and avoid
21 conflicting rulings.

22 **II. RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

23 **A. The Alabama Action**

24 On February 11, 2021, Proposed Intervenor filed the putative class action
25 captioned *Doe #1 v. MG Freesites, LTD*, No. 7:21-cv-00220-LSC, against MG
26 Freesites LTD d/b/a “Pornhub,” MG Freesites II LTD, Mindgeek S.A.R.L., Mindgeek
27 USA Incorporated, Mindgeek Content RT Limited, 9219-1568 Quebec Inc. d/b/a
28



1 Mindgeek, and MG Billing LTD (collectively, the “Mindgeek Defendants”) in the
2 United States District Court for the Northern District of Alabama. *See* Docket Sheet
3 for Alabama Action, attached hereto as Exhibit A. On July 7, 2021, the Mindgeek
4 Defendants filed a motion to dismiss the Complaint, and on July 23, 2021, Proposed
5 Intervenor timely filed an Amended Complaint. *See id.*

6 The Amended Complaint is the operative complaint in the Alabama Action. *See*
7 Alabama Action Amended Complaint, attached hereto as Exhibit B.¹ The Amended
8 Complaint starts with an overview of the Trafficking Victims Protection
9 Reauthorization Act (“TVPRA”) and the horrors of child pornography. *See id.* ¶¶ 29-
10 43. The Amended Complaint then describes Mindgeek’s business model, noting that
11 Mindgeek owns and controls the websites www.Pornhub.com, www.YouPorn.com,
12 and www.RedTube.com; that Pornhub has over 115 million daily visits (with 42 billion
13 visits in 2019); and that Pornhub’s highest usage comes from the United States. *See*
14 *id.* ¶¶ 45-49. Next, the Amended Complaint describes in detail Mindgeek’s content
15 moderation policies and monetization/profit sharing policies regarding their Content
16 Partner and Modelhub Programs, and how their policies have allowed the Mindgeek
17 Defendants to profit off Child Sexual Abuse Material (“CSAM”) that has been made
18 available on their websites, including Proposed Intervenor’s CSAM. *See id.* ¶¶ 50-148.
19 After alleging facts specific to Proposed Intervenor, the Amended Complaint asserts
20 two causes of action against the Mindgeek Defendants: (1) benefitting from a sex
21 trafficking venture in violation of the TVPRA, 18 U.S.C. §§ 1591 & 1595; and (2)
22 receipt and distribution of child pornography, in violation of 18 U.S.C. §§ 2252 &
23 2252A. *See id.* ¶¶ 149-60, 175-93.² Lastly, the Amended Complaint alleges facts
24
25

26 ¹ The Amended Complaint was asserted against all the same defendants as the original
27 complaint and one additional named defendant, MG CY Holdings LTD.

28 ² The Alabama Action included a second plaintiff, Jane Doe #2, who was jointly and
voluntarily dismissed from the action without prejudice on March 3, 2023. *See* Ex. A.

specific to the proposed class. *See id.* ¶¶ 194-201. The proposed class is defined as follows:

All persons, who were under eighteen years of age at the time they were depicted in any video or image, (1) in any commercial sex act as defined under 18 U.S.C. §§ 1591 and 1595, or (2) in any child pornography as defined under 18 U.S.C. § 2252A, that has been made available for viewing on any website owned or operated by the Defendants.

Id. ¶ 194. Moreover, the Amended Complaint sets forth certain questions common to the proposed class, such as, *inter alia*: “Whether videos depicting minors in commercial sex acts or child pornography appear on Defendants’ platforms;” “Whether Defendants profited from videos depicting minors in commercial sex acts or child pornography appearing on Defendants’ platforms;” and “Whether Defendants knew or should have known that videos depicting minors in commercial sex acts or child pornography appear on Defendants’ platforms[.]” *Id.* ¶ 198.

On August 6, 2021, the Mindgeek Defendants filed a motion to dismiss the Amended Complaint, and on February 9, 2022, the court denied the motion. *See Ex. A.* On February 23, 2022, the court scheduled a telephone conference to, *inter alia*, “speak with the parties regarding timing as it relates to class certification[.]” *Id.* On September 20, 2022, the parties had an in-person mediation, *see id.* (September 7, 2022 Order acknowledging the parties’ mediation scheduled for September 20, 2022), and several subsequent settlement discussions, including a virtual follow-up mediation session on May 17, 2023.

On May 12, 2023, due to issues with the Mindgeek Defendants’ production of documents containing potential CSAM to Plaintiff in discovery, the parties in the Alabama Action filed a joint motion for extension of time of the class certification deadlines, which the court granted on May 16, 2023. *See id.* The parties agreed to extend the deadline for filing the motion for class certification to September 8, 2023, with the Mindgeek Defendants’ Response due 30 days after the Motion is filed, Proposed Intervenor’s Reply due 15 days after the Response is filed, and a hearing to

1 be scheduled 30 days or more following the Reply. *See* Joint Motion Extension of
2 Time of Class Certification Deadlines, attached hereto as Exhibit C. Undersigned
3 counsel for Proposed Intervenor have since been expending significant time and
4 resources conducting discovery, preserving assets³ in an effort to compensate the class
5 members, and preparing to move for class certification.

6 **B. The California Action**

7 On February 19, 2021, Plaintiff Jane Doe filed a putative class action, captioned
8 *Doe v. Mindgeek USA Incorporated*, No. 8:21-cv-00338-CJC-ADS, against Mindgeek
9 USA Incorporated, Mindgeek S.A.R.L., MG Freesites LTD d/b/a Pornhub, MG
10 Freesites II LTD, MG Content RT Limited, and 9219-1568 Quebec Inc. d/b/a
11 Mindgeek in the United States District Court for the Central District of California. *See*
12 Docket Sheet for California Action, attached hereto as Exhibit D. The Complaint was
13 filed against all the same defendants as in the Alabama Action except for MG Billing
14 LTD, which is a defendant only in the Alabama Action. The same day Plaintiff
15 initiated the California Action, she also filed a Notice of Pendency of Other Actions or
16 Proceedings, specifically noting that the Alabama Action—which according to
17 Plaintiff here “involves substantially the same subject matter”—was pending in the
18 Northern District of Alabama. *See* Plaintiff’s Notice of Pendency of Other Actions or
19 Proceedings, attached hereto as Exhibit E.

20 On June 30, 2021, the Mindgeek Defendants filed a motion to dismiss the
21 Complaint, and on July 21, 2021, Plaintiff filed a First Amended Complaint. *See* Ex.
22 D. On August 2, 2021, the Mindgeek Defendants filed a motion to dismiss the First
23 Amended Complaint, and on September 3, 2021, the Court denied in substantial part
24 the motion. *See id.* Thereafter, Plaintiff proceeded to amend her complaint two

25 _____
26 ³ Proposed Intervenor has initiated a Mareva Injunction process in Ireland against
27 MG Billing Ltd in order to freeze assets in the European Union that later may satisfy a
28 judgment—and thereby protect Proposed Intervenor and the putative class from
dissipation of the Mindgeek Defendants’ assets during the pendency of the Alabama
Action. As noted in Section II.B, MG Billing Ltd is a named defendant in the Alabama
Action but is *not* a named defendant in the California Action.

1 additional times, filing a Second Amended Complaint on September 30, 2021 and a
2 Third Amended Complaint on May 5, 2023. *See id.*

3 The Third Amended Complaint (“TAC”) is the operative complaint in the
4 California Action. *See* California Action TAC, attached hereto as Exhibit F. Much
5 like the Amended Complaint in the Alabama Action (which was filed 22 months
6 earlier), the TAC starts with an overview of the TVPRA and the horrors of child
7 pornography. *See id.* ¶¶ 24-37. The TAC then describes Mindgeek’s business model,
8 noting that Mindgeek controls the websites www.Pornhub.com, www.YouPorn.com,
9 and www.RedTube.com; that Pornhub has over 115 million daily visits (with 42 billion
10 visits in 2019); and that Pornhub’s highest usage comes from the United States. *See*
11 *id.* ¶¶ 38-42. Also similar to the Amended Complaint in the Alabama Action, the TAC
12 describes in detail Mindgeek’s content moderation policies and monetization/profit
13 sharing policies regarding their Content Partner and Modelhub Programs, and how
14 their policies have allowed the Mindgeek Defendants to profit off of CSAM that has
15 been made available on their websites, including Plaintiff’s CSAM. *See id.* ¶¶ 43-94.
16 And just like the Amended Complaint in the Alabama Action, the TAC alleges facts
17 specific to Plaintiff, *see id.* ¶¶ 141-53, and asserts the same two federal causes of action
18 against the Mindgeek Defendants: (1) violation of the Trafficking Victims Protection
19 Reauthorization Act (“TVPRA”), 18 U.S.C. §§ 1591 & 1595; (2) receipt and
20 distribution of child pornography, in violation of 18 U.S.C. §§ 2252 & 2252A; in
21 addition to three state law claims and one claim of intentional infliction of emotional
22 distress. *See id.* ¶¶ 161-204.

23 Notably, like the Amended Complaint in the Alabama Action, the TAC alleges
24 facts specific to the proposed class. *See id.* ¶¶ 154-60. The proposed class in the
25 California Action is defined as:

26 All persons who were under the age of 18 when they appeared in a
27 video or image that has been uploaded or otherwise made available for
28 viewing on any website owned or operated by Defendants in the last
ten years.

1 *Id.* ¶ 154. The TAC also sets forth similar questions common to the proposed class,
2 such as, *inter alia*: “Whether user-generated uploads on Defendants’ websites feature
3 underage victims;” “Whether Defendants knowingly benefitted from child trafficking;”
4 and “Whether Defendants knew or should have known that there were videos and/or
5 images of underage victims on its websites [.]” *Id.* ¶ 159.

6 On March 6, 2023—two months before Plaintiff filed the TAC—the Court
7 granted the parties’ joint motion to, *inter alia*, issue an Amended Scheduling Order,
8 which established a December 4, 2023 deadline for Plaintiff to file and have heard her
9 motion for class certification. *See* March 6, 2023 Order, attached hereto as Exhibit G.
10 After the Mindgeek Defendants already had participated in multiple mediation sessions
11 with Proposed Intervenor in the Alabama Action, the parties in the California Action
12 went to mediation in late July 2023.

13 Recently, on August 11, 2023, the parties in the California Action filed a joint
14 stipulation for extension of briefing deadlines related to the motion for class
15 certification, which the court granted on August 14, 2023. *See* Ex. D. As stated in the
16 Court’s Order, and pursuant to the parties’ stipulation, the motion for class certification
17 is due August 21, 2023, the response is due October 9, 2023, the reply is due October
18 30, 2023, and the hearing on the motion was moved up from December 4, 2023 to
19 November 13, 2023. *See* August 14, 2023 Order, attached hereto as Exhibit H.

20 Because the California Action was initiated after the Alabama Action, and
21 because the parties in the California Action have very recently stipulated to a class
22 certification briefing schedule that moves the hearing on class certification ahead of
23 the hearing in the Alabama Action, Proposed Intervenor now seeks to intervene in the
24 California Action for the limited purpose of moving the Court to stay or transfer the
25 California Action pursuant to the First-to-File Rule.

26 **III. ARGUMENT**

27 This Court should allow Proposed Intervenor to permissively intervene in the
28 California Action under Federal Rule of Civil Procedure 24(b) for the limited purpose

1 set forth in this Motion—namely, to ask this Court to stay or transfer the California
2 Action pursuant to the First-to-File Rule.

3 Intervention for the limited purpose of seeking a stay or transfer of the California
4 Action is appropriate due to the nearly identical questions of law and fact in both
5 actions and the fact that counsel for Proposed Intervenor promptly drafted and filed
6 this Motion upon learning of the California parties’ stipulation to moving the class
7 certification hearing up to November 13, 2023—which is before the hearing scheduled
8 in the Alabama Action.

9 More importantly, intervention is appropriate because the striking similarities
10 between the two actions warrants application of the First-to-File Rule. The Alabama
11 Action was filed before the California Action, both Actions are asserted against nearly
12 all the same Mindgeek Defendants, and both Actions involve substantially similar
13 issues regarding the Mindgeek Defendants’ financially benefitting from CSAM that
14 was made available for viewing on their websites.

15 Moreover, in their June 16, 2023 Renewed Motion for Appointment of Class
16 Counsel, counsel in the California Action raised the specter of a reverse auction due to
17 dueling settlement talks. *See* Ex. D, ECF No. 109-1 at 7. While Proposed Intervenor
18 has no reason to question Plaintiff’s counsel in this regard, she does believe that that
19 risk is present, since the Mindgeek Defendants are apparently talking settlement with
20 the plaintiffs in both the Alabama Action and the California Action. As the Court has
21 recognized, the remedy for this is not to appoint interim class counsel and, as such,
22 Proposed Intervenor submits that the remedy to allay these concerns is to either stay
23 the California Action or transfer it to Alabama. The well-established First-to-File Rule
24 is precisely the tool to prevent the kinds of harms at hand.

25 For these reasons, as explained in detail below, the California Action should be
26 stayed pending resolution of the Alabama Action or, alternatively, should be
27 transferred to the Northern District of Alabama.

1 **C. Limited Intervention is Appropriate**

2 Federal Rule of Civil Procedure 24(b) generally allows for permissive
3 intervention where the proposed intervenor “‘ha[s] a question of law or fact in
4 common’ with the underlying action, [] the request [is] timely made, and [] the court
5 ha[s] an independent basis for jurisdiction over the proposed intervenor’s claims.”⁴
6 *Scholl v. Mnuchin*, 483 F. Supp. 3d 822, 825 (N.D. Cal. 2020) (quoting Fed. R. Civ. P.
7 24(b)). “If an applicant satisfies those threshold requirements, the district court has
8 discretion to grant or deny permissive intervention, and the court may limit intervention
9 to particular issues[.]” *Id.* (first citing *Donnelly v. Glickman*, 159 F.3d 405, 412 (9th
10 Cir. 1998), then citing *Dep’t of Fair Employment & Housing v. Lucent Techs., Inc.*,
11 642 F.3d 728, 741 (9th Cir. 2011)). “In exercising its discretion, the court ‘must
12 consider whether the intervention will unduly delay or prejudice the adjudication of the
13 original parties’ rights.’” *Id.* (quoting Fed. R. Civ. P. 24(b)(3)). But “[c]ourts should
14 ‘generally interpret the requirements broadly *in favor of intervention*.’” *Subbaiah v.*
15 *GEICO Gen. Ins. Co.*, No. 219-06717, 2019 WL 9904278, at *2 (C.D. Cal. Dec. 11,
16 2019) (emphasis added) (quoting *Donnelly*, 159 F.3d at 409).

17 Here, Proposed Intervenor has met the requirements for permissive intervention
18 under Rule 24(b). As noted in Section II, *supra*, Proposed Intervenor is the plaintiff
19 and named class representative in the Alabama Action, which is a putative class action
20 alleging the same causes of action against the Mindgeek Defendants based upon the
21 same unfortunate set of factual circumstances regarding CSAM being publicly

22 ⁴ Where intervention is sought for a limited purpose that does not involve litigating
23 the merits of a claim, however, the proposed intervenor need not prove that the court
24 has an independent jurisdictional basis. *See Scholl*, 483 F. Supp. 3d at 826 (quoting
25 *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 473 (9th Cir. 1992)) (“[A]s
26 plaintiff-intervenors point out, ‘[p]ermissive intervention ordinarily requires
27 independent jurisdictional grounds[,] . . . however, an independent jurisdictional basis
28 is not required [when] intervenors do not seek to litigate a claim on the merits.’ That is
true here where plaintiff-intervenors aver that they are only seeking to stay the case.”).
Even though it is not required on the present Motion, this Court nonetheless does have
an independent jurisdictional basis over the federal question causes of action of the
Alabama Plaintiff Jane Doe and over the Mindgeek Defendants personally (as
established already in the California Action).



1 available for viewing on the Mindgeek Defendants’ websites. Proposed Intervenor also
2 has timely filed this Motion, as undersigned counsel for Proposed Intervenor promptly
3 drafted this Motion and notified counsel in the California Action of their intent to file
4 this Motion upon learning that the parties stipulated to moving the hearing on class
5 certification transparently just to get ahead of the scheduling set in the Alabama
6 Action.⁵ *See Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 854 (9th Cir. 2016)
7 (explaining that a motion to intervene is timely “[w]here a change of circumstances
8 occurs, and that change is the ‘major reason’ for the motion to intervene,” and further
9 noting that “[m]ere lapse of time alone is not determinative”). Finally, Plaintiff will
10 not be prejudiced by intervention for a stay since she would be a member of the
11 Alabama Action’s proposed class. *See Scholl*, 483 F. Supp. 3d at 826.

12 Accordingly, this Court should allow intervention for the limited purpose of
13 seeking a stay of the California Action—which, as explained in detail below, is
14 warranted under the First-to-File Rule.

15 **D. The California Action Should Be Stayed Pursuant to the First-to-File**
16 **Rule**

17 “There is a generally recognized doctrine of federal comity which permits a
18 district court to decline jurisdiction over an action when a complaint involving the same
19 parties and issues has already been filed in another district.” *Scholl*, 483 F. Supp. 3d
20 at 825 (quotations omitted) (quoting *Pacesetter Sys., Inc. v. Medtronic, Inc.*, 678 F.2d
21 93, 94–95 (9th Cir. 1982)). Known as the “First-to-File Rule,” this doctrine “was
22 developed to ‘serve[] the purpose of promoting efficiency well and should not be
23 disregarded lightly.’” *Id.* (alterations in original) (quoting *Alltrade, Inc. v. Uniweld*
24 *Prod., Inc.*, 946 F.2d 622, 625 (9th Cir. 1991)).

25 “Under the first-to-file rule, ‘when cases involving the same parties and issues
26 have been filed in two different districts, the second district court has discretion to

27 ⁵ Proposed Intervenor was prepared to file this Motion on August 18, 2023, *i.e.*,
28 before Plaintiff filed her motion for class certification, but was required to wait until
August 23, 2023 in order to comply with Local Rule 7-3.



1 transfer, stay, or dismiss the second case in the interest of efficiency and judicial
2 economy.” *Id.* (quoting *Cedars-Sinai Med. Ctr. v. Shalala*, 125 F.3d 765, 769 (9th
3 Cir. 1997)). “Courts examine three factors in deciding whether to apply the first-to-
4 file rule: (1) the chronology of the two actions; (2) the similarity of the parties involved;
5 and (3) the similarity of the issues at stake.” *Id.* (quotations and citation omitted).
6 When it is clear that the first-filed action involves substantially similar parties and
7 issues as the second-filed action, “the normal course taken by courts in this Circuit is
8 for the court of the second-filed action to stay its own proceedings in favor of the first-
9 filed action.” *Nat’l Union Fire Ins. Co. of Pittsburgh, Pa. v. Payless Shoesource, Inc.*,
10 No. 11-1892, 2012 WL 3277222, at *7 (N.D. Cal. Aug. 9, 2012).

11 **1. Chronology of the two actions.**

12 “The first factor in the first-to-file rule analysis—chronology of the actions—is
13 straightforward”—it “simply requires that the case in question was filed later in time.”
14 *Manier v. L’Oreal USA, Inc.*, No. 2:16-06886, 2017 WL 59066, at *3 (C.D. Cal. Jan. 4,
15 2017); *Therapy Stores, Inc. v. JGV Apparel Grp., LLC*, No. 4:16-02588, 2016 WL
16 4492583, at *4 (N.D. Cal. Aug. 26, 2016).

17 As noted in Section II, *supra*, the Alabama Action was initiated on February 11,
18 2021, and the California Action was initiated on February 19, 2021. Plaintiff in the
19 California Action already informed this Court that the Alabama Action was filed first
20 when she filed the “Notice of Pendency of Other Actions or Proceedings” the same day
21 she initiated the California Action. *See* Ex. E.

22 **2. Similarity of the parties involved.**

23 “Courts in the Ninth Circuit have adopted a flexible approach in evaluating the
24 similarity of the parties.” *White v. Home Depot U.S.A., Inc.*, No. 22-00276, 2022 WL
25 2489346, at *6 (S.D. Cal. July 6, 2022). “[T]he first-to-file rule does not require exact
26 identity of the parties[,]” it “requires only substantial similarity of parties.” *Kohn L.*
27 *Grp., Inc. v. Auto Parts Mfg. Mississippi, Inc.*, 787 F.3d 1237, 1240 (9th Cir. 2015)
28 (citations omitted). “The rule is satisfied if some of the parties in one matter are also



1 in the other matter, regardless of whether there are additional unmatched parties in one
2 or both matters.” *Intersearch Worldwide, Ltd. v. Intersearch Grp., Inc.*, 544 F. Supp.
3 2d 949, 959 (N.D. Cal. 2008). Such a “conclusion avoids awarding [] gamesmanship
4 and is consistent with the policy of the first-to-file rule, which is to maximize judicial
5 economy, consistency, and comity.” *Kohn*, 787 F.3d at 1240.

6 The Ninth Circuit has found substantial similarity of parties where the second-
7 filed action involved almost all the same defendants as in the first-filed action,
8 reasoning that “[a] contrary holding could allow a party . . . to skirt the first-to-file rule
9 merely by omitting [a] party from a second lawsuit.” *Id.*; see also *Woodard v. Boeing*
10 *Emps. Credit Union*, No. 2:23-00033, 2023 WL 4847005, at *4 (W.D. Wash. July 28,
11 2023) (internal quotations omitted) (“Courts have found non-identical defendants to be
12 substantially similar when the actions have generally involved multiple defendants
13 with at least some overlapping defendants in each suit.”). Moreover, in class actions
14 there exists substantial similarity of parties where the proposed classes are similar. See
15 *Scholl*, 483 F. Supp. 3d at 827 (quoting *Weinstein v. Metlife, Inc.*, No. 06-04444, 2006
16 WL 3201045, at *4 (N.D. Cal. Nov. 6, 2006)) (“In a class action, the classes, and not
17 the class representatives, are compared.”); *Woodard*, 2023 WL 4847005, at *4;
18 *Krefting v. Kaye-Smith Enterprises Inc.*, No. 2:23-220, 2023 WL 4847148, at *3 (W.D.
19 Wash. July 28, 2023); *White*, 2022 WL 2489346, at *6; *Subbaiah*, 2019 WL 9904278,
20 at *5; *Manier*, 2017 WL 59066, at *3.

21 Here, the parties involved in the Alabama Action and the California Action are
22 substantially similar—both actions have been brought against nearly all the same
23 Mindgeek Defendants,⁶ and both actions seek to certify a class of individuals who were
24 under 18 years old when they were depicted in a video or image that was made available
25 for viewing on any website owned and operated by the Mindgeek Defendants. See Ex.
26 B ¶ 194; Ex. F ¶ 154.

27 ⁶ Plaintiff brings the California Action against all the same Mindgeek Defendants
28 as in the Alabama Action except for MG Billing LTD and MG CY Holdings LTD,
which are defendants only in the Alabama Action. See Section II, *supra*.

1 **3. Similarity of the issues at stake.**

2 “The issues in both cases also need not be identical, only substantially similar.”
3 *Kohn*, 787 F.3d at 1240. “To determine whether two suits involve substantially similar
4 issues,” the Ninth Circuit has directed courts to “look at whether there is ‘substantial
5 overlap’ between the two suits.” *Id.* at 1241. In other words, “[w]hen analyzing
6 whether issues are substantially similar, a court considers if the common facts, taken
7 together, would lead to the same central question between the cases.” *White*, 2022 WL
8 2489346, at *6. “[T]he requirement that the issues in both actions be ‘substantially
9 similar’ is satisfied even where different claims are advanced in each action, so long as
10 the ‘key dispute’ in each action is the same.” *Nat’l Union*, 2012 WL 3277222, at *3
11 (quoting *Inherent v. Martindale–Hubbell*, 420 F. Supp. 2d 1093, 1099 (N.D. Cal.
12 2006)).

13 Here, it is clear that the Alabama Action and the California Action involve
14 substantially similar issues as both actions “share strikingly similar factual allegations
15 regarding” the Mindgeek Defendants’ content moderation and age verification policies,
16 and that such policies have ultimately allowed the Mindgeek Defendants to financially
17 benefit from the plaintiffs’ and the proposed class members’ CSAM that was made
18 available for viewing on their websites. Plaintiff in the California Action has even
19 acknowledged that the California Action “involves substantially the same subject
20 matter as” the Alabama Action. *See* Ex. E ¶ 1.⁷

21 _____
22 ⁷ Plaintiff here (and/or the Mindgeek Defendants) may argue that the California
23 Action should not be stayed or transferred as it involves California state claims in
24 addition to the main federal claims that are the same in the two cases. That argument
25 is no reason to deny this Motion because, as noted above, the claims in the two cases
26 need only be “substantially similar”—not identical—to warrant staying the second
27 case. Moreover, if the California Action is stayed, resolution of the federal claims in
28 the Alabama Action effectively will resolve this entire dispute with the Mindgeek
Defendants and likely would have preclusive effect over any state claims that Plaintiff
has in the California Action. Finally, if the California Action is transferred, the court
in the Alabama Action can competently resolve Plaintiff’s state claims. *See Mullinix*
v. US Fertility, LLC, 2021 WL 4935976, at *3 (C.D. Cal. June 8, 2021) (applying the
First-to-File Rule to transfer the second-filed action and explaining that it “is not
convinced that a court in the District of Maryland is less capable of applying California



1 Accordingly, because the Alabama Action was initiated before the California
2 Action, and because both actions involve substantially similar parties and issues, this
3 Court should apply the First-to-File Rule to stay the California Action pending
4 resolution of the Alabama Action.

5 **E. Alternatively, the California Action Should Be Transferred Pursuant**
6 **to the First-to-File Rule**

7 While Proposed Intervenor files this Motion to stay the California Action
8 pending resolution of the Alabama Action, this Court may alternatively apply the First-
9 to-File Rule to transfer the California Action to the Northern District of Alabama.

10 Courts applying the First-to-File Rule have opted to transfer an action rather than
11 stay an action where “the similarity of the parties and issues” are such that “a transfer
12 . . . w[ould] eliminate the risk of inconsistent rulings and serve the principles of
13 efficiency, economy, and comity by avoiding duplicate and inefficient actions
14 proceeding in separate districts.” *Woodard*, 2023 WL 4847005, at *4; *Krefting*, 2023
15 WL 4847148, at *4; *see also Subbaiah*, 2019 WL 9904278, at *7 (applying the First-
16 to-File Rule to transfer the second-filed action because “[d]oing so will save significant
17 judicial resources and avoid conflicting decisions.”). Because the Alabama Action and
18 the California Action “follow a similar timeline, have similar class periods, and can
19 share in discovery and other management in order to conserve judicial resources[,]”
20 *Manier*, 2017 WL 59066, at *3, this Court may alternatively apply the First-to-File
21 Rule to transfer the California Action to the Northern District of Alabama.

22 **F. Equitable Factors Weigh in Favor of Staying or Transferring the**
23 **California Action**

24 Finally, while this Court may consider whether any equitable considerations
25 counsel against applying the First-to-File rule, *see Mullinix v. US Fertility, LLC*, 2021
26 WL 4935976, at *3 (C.D. Cal. June 8, 2021), it is worth noting that there are no such

27
28 state law than this Court. . . . There is no reason to think that the interests of California
residents would be inadequately served in the Maryland [] action.”).

equitable considerations here. The Mindgeek Defendants have produced virtually the same voluminous documents to the plaintiffs in both Actions; Proposed Intervenor has initiated a Mareva Injunction process against MG Billing Ltd., who is *not* a defendant in the California Action, *see* note 4, *supra*; the court in the Alabama Action has established a discovery protocol for the handling of CSAM; and the parties in the Alabama Action have already engaged in extensive mediation and settlement efforts (and did so prior to any such attempts in the California Action). These considerations counsel *in favor of* applying the First-to-File Rule.

IV. CONCLUSION

For the foregoing reasons, Proposed Intervenor respectfully requests that this Court (1) allow Proposed Intervenor to intervene under Federal Rule of Civil Procedure 24(b) for the limited purpose of seeking a stay or transfer of the California Action, and (2) apply the First-to-File Rule to stay the California Action pending resolution of the Alabama Action or, alternatively, transfer the California Action to the United States District Court for the Northern District of Alabama.

Dated: August 29, 2023

Respectfully submitted,

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Attorneys for Proposed Intervenor Jane Doe #1

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

JANE DOE, on behalf of herself and all
others similarly situated,

Plaintiff,

vs.

MINDGEEK USA INCORPORATED,
MINDGEEK S.A.R.L., MG
FREESITES LTD (D/B/A PORNHUB),
MG FREESITES II LTD, MG
CONTENT RT LIMITED, AND 9219-
1568 QUEBEC, INC. (D/B/A
MINDGEEK),

Defendants.

Case No.: 8:21-cv-00338-CJC-ADS

CLASS ACTION

**DECLARATION OF GREGORY
ZARZAUR IN SUPPORT OF
PROPOSED INTERVENOR'S
MOTION TO INTERVENE TO
STAY OR TRANSFER ACTION
PURSUANT TO THE FIRST-TO-
FILE RULE**

Date: October 2nd, 2023
Time: 1:30 P.M.
Crtrm: 9B
Judge: Hon. Cormac J. Carney

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1 I, Gregory Zarzaur, hereby declare as follows:

2 1. I am an attorney at law licensed to practice in the State of Alabama. I
3 have sought and obtained Abbas Kazerounian of the law firm Kazerouni Law Group,
4 APC to be local counsel for purposes of this Motion to Intervene and to sponsor my
5 admission *pro hac vice* in this Action, which is currently pending before the Court.

6 2. I have personal knowledge of the facts set forth in this Declaration and, if
7 called as a witness, can and will competently testify thereto under oath.

8 3. Attached hereto as **Exhibit A** is a true and correct copy of the Docket
9 Sheet for the action captioned *Doe #1 v. MG Freesites, LTD*, No. 7:21-cv-00220-LSC,
10 in the United States District Court for the Northern District of Alabama (the “Alabama
11 Action”).

12 4. Attached hereto as **Exhibit B** is a true and correct copy of the Amended
13 Complaint filed in the Alabama Action on July 23, 2021.

14 5. Attached hereto as **Exhibit C** is a true and correct copy of the Joint Motion
15 for Extension of Class Certification Deadlines filed in the Alabama Action on May 12,
16 2023.

17 6. Attached hereto as **Exhibit D** is a true and correct copy of the Docket
18 Sheet for the action captioned *Doe v. Mindgeek USA Incorporated*, No. 8:21-cv-00338-
19 CJC-ADS, in the United States District Court for the Central District of California (the
20 “California Action”).

21 7. Attached hereto as **Exhibit E** is a true and correct copy of Plaintiff’s
22 Notice of Pendency of Other Actions or Proceedings filed in the California Action on
23 February 19, 2021.

24 8. Attached hereto as **Exhibit F** is a true and correct copy of the Third
25 Amended Complaint filed in the California Action on May 5, 2023.

9. Attached hereto as **Exhibit G** is a true and correct copy of the Order Lifting Stay and Entering Amended Scheduling Order entered in the California Action on March 6, 2023.

10. Attached hereto as **Exhibit H** is a true and correct copy of the Order Re Extension of Briefing Deadlines Related to Plaintiff's Motion for Class Certification entered in the California Action on August 14, 2023.

11. On August 16, 2023, I contacted counsel for all parties in the California Action to notify them of our intent to file a motion to intervene under the First to File rule and requested a time to meet and confer regarding this intention.

12. The parties met and conferred on August 22, 2023. Counsel for Plaintiff in the California Action notified me that they opposed our motion to intervene. Counsel for Defendants in the California Action notified me that they did not oppose but did not consent to our motion to intervene.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Dated: August 29, 2023

Respectfully Submitted,

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Exhibit A

**U.S. District Court
Northern District of Alabama (Western)
CIVIL DOCKET FOR CASE #: 7:21-cv-00220-LSC**

Doe #1 et al v. MG Freesites LTD et al
Assigned to: Judge L Scott Coogler
Cause: 28:1331 Fed. Question

Date Filed: 02/11/2021
Jury Demand: Both
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

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ATTORNEY TO BE NOTICED

Kathleen N Massey
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Lindsay Pickell Lounsbury
(See above for address)
ATTORNEY TO BE NOTICED

Sara M Turner
(See above for address)
ATTORNEY TO BE NOTICED

William G Somerville , III

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

9219-1568 Quebec Inc
a foreign entity
doing business as
Mindgeek

represented by **Hayden A Coleman**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen N Massey
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Lindsay Pickell Lounsbury
(See above for address)
ATTORNEY TO BE NOTICED

Sara M Turner
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MG Billing LTD
a foreign entity

represented by **Hayden A Coleman**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen N Massey
(See above for address)
LEAD ATTORNEY
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Lindsay Pickell Lounsbury
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Sara M Turner
(See above for address)
ATTORNEY TO BE NOTICED

William G Somerville , III
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/11/2021	<u>1</u>	COMPLAINT against All Defendants, filed by Jane Doe #1, Jane Doe #2.(PSM) (PSM,). (Entered: 02/12/2021)

02/12/2021		Filing Fee: Filing fee \$ 402, receipt_number 1126-3775411 (B4601111450). related document 1 COMPLAINT against All Defendants, filed by Jane Doe #1, Jane Doe #2. (PSM). (Zarzaur, Gregory) Modified on 2/12/2021 (MEB2). (Entered: 02/12/2021)
02/22/2021	2	MOTION for Protective Order <i>PLAINTIFFS MOTION FOR LEAVE TO PROCEED PSEUDONYMOUSLY</i> by Jane Doe #1, Jane Doe #2. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021	3	MOTION for Leave to Appear Pro Hac Vice by Jane Doe #1, Jane Doe #2. (Attachments: # 1 Affidavit Kimberly Lambert Adams, # 2 Affidavit Brian Dooley Kent, # 3 Affidavit Gaetano Anthony DAndrea, # 4 Affidavit Jillian Patricia Roth, # 5 Affidavit M. Stewart Ryan, # 6 Affidavit Alexandria MacMaster, # 7 Affidavit Benjamin W. Bull, # 8 Affidavit Peter A. Gentala, # 9 Affidavit Danielle Bianculli Pinter, # 10 Affidavit Christen M. Price, # 11 Affidavit Kevin D. Kent, # 12 Affidavit Mark B. Schoeller, # 13 Affidavit Joseph W. Jesiolowski)(Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782414. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782416. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782417. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782419. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782420. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782421. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782422. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782423. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782424. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782425. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782426. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782427. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/22/2021		PHV Fee paid: \$ 75, receipt number 1126-3782428. (Zarzaur, Gregory) (Entered: 02/22/2021)
02/25/2021	4	MOTION for Leave to Appear Pro Hac Vice by Jane Doe #1, Jane Doe #2. (Attachments: # 1 Affidavit Louis C. Bechtle)(Zarzaur, Gregory) (Entered: 02/25/2021)
02/25/2021		PHV Fee paid: \$ 75, receipt number 1126-3784711 (B4601111680). (Zarzaur, Gregory) Modified on 2/25/2021 (MRR,). (Entered: 02/25/2021)

03/01/2021	5	TEXT ORDER granting 3 Motion for Leave to Appear Pro Hac Vice. Signed by Judge L. Scott Coogler on March 1, 2021. (ABN) (Entered: 03/01/2021)
03/01/2021	6	TEXT ORDER granting 4 Motion for Leave to Appear Pro Hac Vice. Signed by Judge L. Scott Coogler on March 1, 2021. (ABN) (Entered: 03/01/2021)
03/03/2021	7	ORDER Given the foregoing, Plaintiffs' "Motion for Leave to Proceed Pseudonymously" 2 is hereby GRANTED without prejudice to the right of Defendants to respond if they feel necessary to do so after being served. Signed by Judge L Scott Coogler on 3/3/2021. (PSM) (Entered: 03/03/2021)
03/18/2021	8	Consent MOTION for Extension of Time <i>For Defendants to File Responsive Pleading Pursuant to Agreement and Defendants' Waiver of Service of the Summons</i> by Jane Doe #1, Jane Doe #2. (Zarzaur, Gregory) (Entered: 03/18/2021)
03/19/2021	9	UNIFORM INITIAL ORDER GOVERNING ALL FURTHER PROCEEDINGS- with appendices attached. Signed by Judge L Scott Coogler on 3/19/2021. (PSM) (Entered: 03/19/2021)
03/22/2021	10	TEXT ORDER granting 8 Motion for Extension of Time to Respond. Signed by Judge L. Scott Coogler on March 22, 2021. (ABN) (Entered: 03/22/2021)
06/29/2021	11	Unopposed MOTION for Extension of Time by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Turner, Sara) (Entered: 06/29/2021)
07/01/2021	12	TEXT ORDER denying 11 Motion for Extension of Time to Respond to Plaintiffs' Complaint. Signed by Judge L. Scott Coogler on July 1, 2021. (ABN) (Entered: 07/01/2021)
07/02/2021	13	MOTION for Leave to File <i>Its Responsive Pleading Out of Time</i> by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Attachments: # 1 Exhibit A - DECLARATION OF KATHLEEN N. MASSEY, # 2 Exhibit B - DEFENDANTS MOTION TO DISMISS AND INCORPORATED MEMORANDUM OF LAW IN SUPPORT THEREOF)(Turner, Sara) (Entered: 07/02/2021)
07/02/2021	14	Corporate Disclosure Statement by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. filed by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated (Turner, Sara) (Entered: 07/02/2021)
07/07/2021	15	TEXT ORDER granting 13 Motion for Leave to File Motion to Dismiss out of time. Defendants are DIRECTED to re-file the Motion to Dismiss as a separate, new docket entry. Signed by Judge L. Scott Coogler on July 7, 2021. (ABN) (Entered: 07/07/2021)
07/07/2021	16	MOTION to Dismiss <i>and Incorporated Memorandum of Law in Support Thereof</i> by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Attachments: # 1 Exhibit A)(Turner, Sara) (Entered: 07/07/2021)
07/12/2021	17	MOTION for Limited Admission <i>Motion for Admission Pro Hac Vice</i> by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Attachments: # 1 Affidavit Kathleen Massey)(Turner, Sara) (Entered: 07/12/2021)

07/12/2021		PHV Fee paid: \$ 75, receipt number 1126-3881546 (B4601114567). (Turner, Sara) Modified on 7/13/2021 (MEB2). (Entered: 07/12/2021)
07/14/2021	18	MOTION for Limited Admission <i>Motion for Admission Pro Hac Vice</i> by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Attachments: # 1 Affidavit Hayden Coleman)(Turner, Sara) (Entered: 07/14/2021)
07/14/2021		PHV Fee paid: \$ 75, receipt number 1126-3882898 (B4601114619). (Turner, Sara) Modified on 7/14/2021 (MEB2). (Entered: 07/14/2021)
07/15/2021	19	TEXT ORDER granting 17 Motion for Limited Admission. Signed by Judge L. Scott Coogler on July 15, 2021. (ABN) (Entered: 07/15/2021)
07/15/2021	20	TEXT ORDER granting 18 Motion for Limited Admission. Signed by Judge L. Scott Coogler on July 15, 2021. (ABN) (Entered: 07/15/2021)
07/15/2021	21	ORDER - Before this Court is Defendants' Motion to Dismiss and Incorporated Memorandum of Law in Support Thereof 16 . Plaintiffs have fourteen (14) days from the date of this Order to respond to the motion. Defendants will thereafter have ten (10) days to file a reply. After the briefing period has expired, the Court will take Defendants' motion under consideration without further notice to the parties. Signed by Judge L Scott Coogler on 7/15/2021. (MEB2) (Entered: 07/15/2021)
07/23/2021	22	AMENDED COMPLAINT against All Defendants, filed by Jane Doe #1, Jane Doe #2. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6)(Zarzaur, Gregory) (Entered: 07/23/2021)
07/27/2021	23	ORDER Defendants filed a motion to dismiss on July 7, 2021. 16 On July 15, 2021, the Court entered a briefing schedule on the motion. 21 The deadline for Plaintiffs to file their response has not yet passed. However, on July 23, 2021, Plaintiffs filed a "First Amended Complaint." 22 Their filing is in accord with Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure. Accordingly, Defendants shall, within ten (10) days of the date of entry of this Order, either file a new motion to dismiss that responds to the allegations in the First Amended Complaint, or file a notice indicating that Defendants' pending motion to dismiss 16 suffices to respond to the allegations in the First Amended Complaint and should remain pending before this Court. Thereafter, Plaintiffs will have five (5) days to file a response in opposition to the motion to dismiss. Defendants will thereafter have five (5) days to file a reply. Signed by Judge L Scott Coogler on 7/27/2021. (PSM) (Entered: 07/27/2021)
08/06/2021	24	MOTION to Dismiss <i>Plaintiffs' First Amended Complaint</i> by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Attachments: # 1 Exhibit)(Turner, Sara) (Entered: 08/06/2021)
08/11/2021	25	RESPONSE in Opposition re 24 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint</i> filed by Jane Doe #1, Jane Doe #2. (Zarzaur, Gregory) (Entered: 08/11/2021)
08/16/2021	26	REPLY to Response to Motion re 24 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint</i> filed by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited. (Turner, Sara) (Entered: 08/16/2021)
08/16/2021	27	REPORT of Rule 26(f) Planning Meeting. (Zarzaur, Gregory) (Entered: 08/16/2021)
09/03/2021	28	NOTICE by Jane Doe #1, Jane Doe #2 re 25 Response in Opposition to Motion <i>PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY</i> (Attachments: # 1 Exhibit)

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		(Zarzaur, Gregory) (Entered: 09/03/2021)
09/13/2021	29	NOTICE by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated re 24 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint Notice of Change in Authority</i> (Turner, Sara) (Entered: 09/13/2021)
09/16/2021		NOTICE of Hearing: Scheduling Conference set for 9/21/2021 at 10:30 AM before Judge L Scott Coogler via Zoom. The Court will email the Zoom link to counsel of record.(PSM) (Entered: 09/16/2021)
09/17/2021	30	NOTICE by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated re 24 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint Notice of Supplemental Authority</i> (Attachments: # 1 Exhibit Tentative Order Regarding Motion to Dismiss)(Turner, Sara) (Entered: 09/17/2021)
09/20/2021	31	NOTICE of Appearance by D Blake Williams on behalf of All Plaintiffs (Williams, D) (Entered: 09/20/2021)
09/21/2021	32	NOTICE by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated re 24 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint Notice of Change in Authority</i> (Attachments: # 1 Exhibit A)(Turner, Sara) (Entered: 09/21/2021)
09/21/2021		Minute Entry for proceedings held before Judge L Scott Coogler: Scheduling Conference held on 9/21/2021. (PSM) (Entered: 09/21/2021)
09/21/2021	33	SCHEDULING ORDER: Discovery due by 12/9/2022. Dispositive Motions due by 1/13/2023. Joint Status Report due by 12/23/2022. Jury Trial set for 6/19/2023 at 9:00 AM in Federal Building, Tuscaloosa, AL before Judge L Scott Coogler. Signed by Judge L Scott Coogler on 9/21/2022. (PSM) (Entered: 09/21/2021)
09/23/2021	34	MOTION for Limited Admission <i>Motion For Admission Pro Hac Vice</i> by Kathryn L. Avila by Jane Doe #1, Jane Doe #2. (Attachments: # 1 Affidavit Kathryn Avila)(Zarzaur, Gregory) (Entered: 09/23/2021)
09/23/2021		PHV Fee paid: \$ 75, receipt number 1126-3930445. (Zarzaur, Gregory) (Entered: 09/23/2021)
10/04/2021	35	NOTICE by Jane Doe #1, Jane Doe #2 re 24 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint Plaintiffs' Notice of Supplemental Authority</i> (Attachments: # 1 Exhibit A)(Zarzaur, Gregory) (Entered: 10/04/2021)
10/12/2021	36	NOTICE by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated re 24 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint Notice of Change in Supplemental Authority</i> (Attachments: # 1 Exhibit A) (Turner, Sara) (Entered: 10/12/2021)
12/03/2021	37	NOTICE by Jane Doe #1, Jane Doe #2 re 25 Response in Opposition to Motion <i>Plaintiffs' Third Notice of Supplemental Authority</i> (Attachments: # 1 Exhibit A: Order Denying Defendants' Motion to Reconsider)(Overton, Kelsie) (Entered: 12/03/2021)
12/03/2021	38	NOTICE of Appearance by Kelsie Marie Overton on behalf of All Plaintiffs (Overton, Kelsie) (Entered: 12/03/2021)

12/07/2021	39	TEXT ORDER granting 34 Motion for Limited Admission. Signed by Judge L Scott Coogler on December 7, 2021. (ABN) (Entered: 12/07/2021)
12/28/2021	40	NOTICE by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated re 24 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint Supplemental Authority</i> (Attachments: # 1 Exhibit)(Turner, Sara) (Entered: 12/28/2021)
12/29/2021	41	NOTICE by Jane Doe #1, Jane Doe #2 <i>Withdrawal of Counsel Louis C. Bechtle</i> (Zarzaur, Gregory) (Entered: 12/29/2021)
02/09/2022	42	MEMORANDUM OF OPINION AND ORDER For the foregoing reasons, Defendants' motion to dismiss (doc. 24) is hereby DENIED. Signed by Judge L Scott Coogler on 2/9/2022. (PSM) (Entered: 02/09/2022)
02/17/2022	43	Unopposed MOTION for Extension of Time to File Answer by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Turner, Sara) (Entered: 02/17/2022)
02/22/2022	44	TEXT ORDER granting in part and denying in part 43 Motion for Extension of Time to Answer. Defendants shall file their answer within seven (7) days of the date of entry of this Order. Signed by Judge L. Scott Coogler on February 22, 2022. (ABN) (Entered: 02/22/2022)
02/23/2022		NOTICE of Hearing: Telephone Conference set for 3/2/2022 at 9:30 AM before Judge L Scott Coogler. Counsel are to call 877-336-1828 and use Access Code 3967498 five (5) minutes prior to the start of the conference. The Court intends to speak with the parties regarding timing as it relates to class certification as well as other scheduling matters. (PSM) (Entered: 02/23/2022)
03/01/2022	45	ANSWER to 22 Amended Complaint <i>and Jury Demand</i> by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated.(Turner, Sara) (Entered: 03/01/2022)
03/02/2022		Minute Entry for proceedings held before Judge L Scott Coogler: Telephone Conference held on 3/2/2022. (PSM) (Entered: 03/02/2022)
03/09/2022	46	Unopposed MOTION to Seal <i>Defendants' Motion to Stay</i> by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Turner, Sara) (Entered: 03/09/2022)
03/11/2022	47	TEXT ORDER granting 46 Motion to Seal. Signed by Judge L. Scott Coogler on 3/11/22. (JWG) (Entered: 03/11/2022)
03/15/2022	48	SEALED MOTION TO STAY by Defendants (Attachments: # 1 Declaration of K. Massey, # 2 Declaration of L. Herbert)(KAM) (Entered: 03/15/2022)
03/21/2022	49	ORDER Before this Court is Defendants' Motion to Stay this Action and Incorporated Memorandum of Law in Support Thereof. (Doc. 48 (under seal).) Plaintiffs have ten (10) days from the date of this Order to respond to the motion. Signed by Judge L Scott Coogler on 3/21/2022. (PSM) (Entered: 03/21/2022)
03/30/2022	50	Joint MOTION for Entry of Agreed Stipulation and Order Regarding Discovery of Electronically Stored Information by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited,

		Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Attachments: # 1 Exhibit A - Stipulation and Order on Discovery of Electronically Stored Information)(Turner, Sara) (Entered: 03/30/2022)
03/31/2022	51	Joint MOTION for Protective Order by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Attachments: # 1 Exhibit A - Stipulated Protective Order, # 2 Exhibit B - In re: National Prescription Opiate Litigation Protective Order)(Turner, Sara) (Entered: 03/31/2022)
03/31/2022	52	RESPONSE in Opposition re 48 SEALED MOTION <i>TO STAY</i> filed by Jane Doe #1, Jane Doe #2. (Zarzaur, Gregory) (Entered: 03/31/2022)
04/05/2022	53	REPLY to Response to Motion re 48 SEALED MOTION <i>to Stay</i> filed by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Turner, Sara) (Entered: 04/05/2022)
04/15/2022	54	Unopposed MOTION to Withdraw 48 SEALED MOTION <i>to Stay</i> by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Attachments: # 1 Affidavit Kathleen Massey)(Turner, Sara) (Entered: 04/15/2022)
04/18/2022	55	TEXT ORDER granting 54 Motion to Withdraw Motion and finding as moot 48 Motion to Stay. Signed by Judge L Scott Coogler on 4/18/2022. (PSM) (Entered: 04/18/2022)
04/19/2022		NOTICE of Hearing: Telephone Conference set for 4/22/2022 at 9:30 AM re 50 and 51 before Judge L Scott Coogler. Counsel are to call 877-336-1828 and use Access Code 3967498 five (5) minutes prior to the start of the conference. (PSM) (Entered: 04/19/2022)
04/21/2022	56	MOTION for Limited Admission <i>Motion for Leave to Appear Pro Hac Vice</i> by Jane Doe #1, Jane Doe #2. (Attachments: # 1 Affidavit Declaration of Vanessa L. Huber)(Zarzaur, Gregory) (Entered: 04/21/2022)
04/21/2022		PHV Fee paid: \$75, receipt number B4601119770 for Vanessa L. Huber (KAM) (Entered: 04/21/2022)
04/22/2022		Minute Entry for proceedings held before Judge L Scott Coogler: Telephone Conference held on 4/22/2022. (PSM) (Entered: 04/22/2022)
04/22/2022		NOTICE of Hearing: Telephone Conference set for 5/3/2022 at 9:30 AM before Judge L Scott Coogler. Counsel are to call 877-336-1828 and use Access Code 3967498 five (5) minutes prior to the start of the conference.(PSM) (Entered: 04/22/2022)
04/22/2022	57	TEXT ORDER granting 56 Motion for Limited Admission. Signed by Judge L. Scott Coogler on April 22, 2022. (ABN) (Entered: 04/22/2022)
05/03/2022		Minute Entry for proceedings held before Judge L Scott Coogler: Telephone Conference held on 5/3/2022. (PSM) (Entered: 05/03/2022)
05/03/2022		NOTICE of Hearing: Telephone Conference set for 5/17/2022 at 9:30 AM before Judge L Scott Coogler. Counsel are to call 877-336-1828 and use Access Code 3967498 five (5) minutes prior to the start of the conference(PSM) (Entered: 05/03/2022)
05/17/2022		Minute Entry for proceedings held before Judge L Scott Coogler: Telephone Conference held on 5/17/2022. (PSM) (Entered: 05/17/2022)
05/17/2022		NOTICE of Hearing: Discovery Hearing set for 3/31/2022 at 9:00 AM in Federal Building, Tuscaloosa, AL before Judge L Scott Coogler. (PSM) (Entered: 05/17/2022)

05/26/2022	58	Brief on Defendants' Pre-Hearing Memorandum. (Turner, Sara) (Entered: 05/26/2022)
05/26/2022	59	Brief PLAINTIFFS' PRE-HEARING MEMORANDUM filed by Jane Doe #1, Jane Doe #2. (Zarzaur, Gregory) (Entered: 05/26/2022)
05/31/2022		Minute Entry for proceedings held before Judge L Scott Coogler: Discovery Hearing held on 5/31/2022. (Court Reporter Lindy Fuller.) (PSM) (Entered: 05/31/2022)
06/02/2022	60	STIPULATION AND ORDER ON DISCOVERY OF ELECTRONICALLY STORED INFORMATION Signed by Judge L Scott Coogler on 6/2/2022. (PSM) (Entered: 06/02/2022)
06/02/2022	61	PROTECTIVE ORDER. Signed by Judge L Scott Coogler on 6/2/2022. (PSM) (Entered: 06/02/2022)
06/02/2022	62	PRESERVATION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION AND TANGIBLE THINGS. Signed by Judge L Scott Coogler on 6/2/2022. (PSM) (Entered: 06/02/2022)
08/24/2022		NOTICE - The Court will enter a mediation order on 9/8/2022, unless the parties notify the Court in advance that mediation will not be helpful. Counsel should email Marley Barnes (marley_barnes@alnd.uscourts.gov) to prevent entry of the mediation order. (MEB2) (Entered: 08/24/2022)
08/25/2022	63	Transcript of Discovery Hearing held on 5/31/2022, before Judge L. Scott Coogler. Court Reporter/Transcriber Lindy Fuller, Telephone number 205-278-2062. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. (A copy can be obtained at http://www.alnd.uscourts.gov/local/court%20forms/transcripts/Transcript%20Redaction%20Policy.pdf) See Transcript Redaction Policy Redaction Request due 9/15/2022. Redacted Transcript Deadline set for 9/25/2022. Release of Transcript Restriction set for 11/23/2022. (MEB2) (Entered: 08/25/2022)
09/07/2022	64	ORDER - The parties have notified the Court that they will attempt to resolve this action through mediation and that a mediation session is scheduled for September 20, 2022. The parties request that this Court stay this action until October 4, 2022, on or before which date the parties will either submit a proposed revised Scheduling Order, providing time to complete the remaining discovery, or report to this Court on the status of the case. Accordingly, upon agreement of the parties and for good cause showed, it is hereby ORDERED that this case is stayed until October 4, 2022. Signed by Judge L Scott Coogler on 9/7/2022. (MEB2) (Entered: 09/07/2022)
12/06/2022		NOTICE of Hearing: Telephone Conference is set for 1/5/2023 at 10:00 AM before Judge L Scott Coogler. Counsel is to dial 877-336-1828 and use Access Code 3967498 five (5) minutes prior to the start of the conference. (MEB2) (Entered: 12/06/2022)
01/04/2023	65	NOTICE by Jane Doe #1, Jane Doe #2 re 64 Order,, <i>Joint Notice of Proposed Revised Scheduling Order</i> (Attachments: # 1 Text of Proposed Order - Revised Scheduling Order) (Zarzaur, Gregory) (Entered: 01/04/2023)
01/05/2023		Minute Entry for proceedings held before Judge L Scott Coogler: Telephone Conference held on 1/5/2023. (MEB2) (Entered: 01/05/2023)

01/05/2023		NOTICE of Hearing: Telephone Conference is set for 1/10/2023 at 1:30 PM before Judge L Scott Coogler. (MEB2) (Entered: 01/05/2023)
01/10/2023		Minute Entry for proceedings held before Judge L Scott Coogler: Telephone Conference held on 1/10/2023. (MEB2) (Entered: 01/10/2023)
01/10/2023	66	REVISED SCHEDULING ORDER. Signed by Judge L Scott Coogler on 1/10/2023. (MEB2) (Entered: 01/10/2023)
01/30/2023	67	Unopposed MOTION for Leave to File <i>PLAINTIFFS UNOPPOSED MOTION TO FILE PLAINTIFFS MOTION FOR PROTECTIVE ORDER OR IN THE ALTERNATIVE TO QUASH DEFENDANTS SUBPOENAS TO THIRD PARTY PRODUCTION STUDIOS UNDER SEAL</i> by Jane Doe #1, Jane Doe #2. (Zarzaur, Gregory) (Entered: 01/30/2023)
01/31/2023	68	TEXT ORDER granting 67 Unopposed Motion for Leave to File Motion Under Seal. Signed by Judge L. Scott Coogler on January 31, 2023. (ABN) (Entered: 01/31/2023)
01/31/2023	69	**WITHDRAWN PURSUANT TO 72 ORDER** SEALED MOTION to Quash and for Protective Order Regarding Defendants' Subpoenas by Jane Doe #1, Jane Doe #2. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(KAM) Modified on 2/28/2023 (MEB2). (Entered: 02/01/2023)
02/03/2023	70	ORDER SETTING HEARING ON MOTION - This matter comes before the Court on the Plaintiffs' "Motion to Quash and for Protective Order Regarding Defendants' Subpoenas to Third Party Production Studios" (Doc. 69). The parties are hereby ORDERED to appear before the Court for an evidentiary hearing on the motion on Thursday, 2/16/2023 at 9:00 AM in Federal Building, Tuscaloosa, AL before Judge L Scott Coogler. Signed by Judge L Scott Coogler on 2/3/2023. (MEB2) (Entered: 02/03/2023)
02/13/2023		NOTICE of RESETTING Hearing on Motion 69 SEALED MOTION : Motion Hearing is RESET for 3/2/2023 at 9:00 AM in Federal Building, Tuscaloosa, AL before Judge L Scott Coogler. (MEB2) (Entered: 02/13/2023)
02/27/2023	71	Unopposed MOTION to Withdraw 69 SEALED MOTION <i>PLAINTIFFS MOTION TO WITHDRAW MOTION TO QUASH AND FOR PROTECTIVE ORDER REGARDING DEFENDANTS SUBPOENAS TO THIRD PARTY PRODUCTION STUDIOS</i> by Jane Doe #1, Jane Doe #2. (Attachments: # 1 Text of Proposed Order)(Zarzaur, Gregory) (Entered: 02/27/2023)
02/28/2023	72	TEXT ORDER granting 71 Unopposed Motion to Withdraw 69 Sealed Motion Plaintiffs Motion to Withdraw Motion to Quash and for Protective Order Regarding Defendants Subpoenas to Third Party Production Studios. The Motion Hearing currently set for 3/2/2023 at 9:30 AM before Judge L Scott Coogler is CANCELLED . Signed by Judge L Scott Coogler on 2/28/2023. (MEB2) (Entered: 02/28/2023)
02/28/2023		NOTICE of Hearing: The Court would like to conduct a brief telephone conference with the attorneys to discuss the status of this case. Telephone Conference is set for 3/8/2023 at 11:00 AM before Judge L Scott Coogler. Counsel is to dial 205-931-0422 and use Access Code 938 765 053 five (5) minutes prior to the start of the conference. (MEB2) (Entered: 02/28/2023)
03/03/2023	73	NOTICE by Jane Doe #2 <i>JOINT NOTICE OF STIPULATED VOLUNTARY DISMISSAL OF ONLY PLAINTIFF JANE DOE #2 WITHOUT PREJUDICE</i> (Zarzaur, Gregory) (Entered: 03/03/2023)
03/08/2023	74	ORDER - This Court acknowledges receipt of "Joint Notice of Stipulated Voluntary Dismissal of Plaintiff Jane Doe #2 Without Prejudice," filed on March 3, 2023 (Doc. 73). Accordingly, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff

		Jane Doe #2's claims against all Defendants are hereby DISMISSED WITHOUT PREJUDICE, with Plaintiff Jane Doe #2 and all Defendants to each bear their own costs. This dismissal does not affect the individual claims or class claims asserted by Plaintiff Jane Doe #1. Signed by Judge L Scott Coogler on 3/8/2023. (MEB2) (Entered: 03/08/2023)
03/08/2023		Minute Entry for proceedings held before Judge L Scott Coogler: Telephone Conference held on 3/8/2023. (MEB2) (Entered: 03/08/2023)
04/04/2023		NOTICE of Hearing: Telephone Conference is set for 4/5/2023 at 1:30 PM before Judge L Scott Coogler. Counsel is to dial 205-931-0422 and use Access Code 680 568 874 five (5) minutes prior to the start of the conference. (MEB2) (Entered: 04/04/2023)
04/05/2023		Minute Entry for proceedings held before Judge L Scott Coogler: Telephone Conference held on 4/5/2023. (MEB2) (Entered: 04/05/2023)
04/05/2023		NOTICE of Hearing: Discovery Hearing is set for 5/24/2023 at 9:00 AM in Federal Building, Tuscaloosa, AL before Judge L Scott Coogler. (MEB2) (Entered: 04/05/2023)
05/12/2023	75	Joint MOTION for Extension of Time of <i>Class Certification Deadlines</i> by Jane Doe #1. (Attachments: # 1 Text of Proposed Order Extending Class Certification Deadline) (Zarzaaur, Gregory) (Entered: 05/12/2023)
05/12/2023	76	Unopposed MOTION To Allow Third Parties to Attend May 24, 2023 Hearing by Video Conference by Jane Doe #1. (Attachments: # 1 Text of Proposed Order Allowing Third Parties to Appear by Video Conference)(Zarzaaur, Gregory) (Entered: 05/12/2023)
05/16/2023	77	TEXT ORDER granting 75 Motion for Extension of Time regarding Class Certification Deadlines. Signed by Judge L. Scott Coogler on May 16, 2023. (ABN) (Entered: 05/16/2023)
05/16/2023	78	ORDER - Before this Court is an "Unopposed Motion for Third Parties to Appear by Video Conference: at the upcoming discovery hearing on May 24, 2023 (Doc. 76). The Court must deny the motion because on May 24, 2023, the United States courts' anti-broadcasting policy, which has long prohibited courts from providing remote public access to court proceedings but which was suspended during the state of emergency caused by the COVID-19 pandemic, will resume. Thus, pursuant to the courts' anti-broadcasting policy, the motion (Doc. 76) is DENIED. Signed by Judge L Scott Coogler on 5/16/2023. (MEB2) (Entered: 05/16/2023)
05/19/2023	79	NOTICE of Appearance by Robert P Reynolds on behalf of National Center for Missing & Exploited Children, Incorporated (Reynolds, Robert) (Entered: 05/19/2023)
05/19/2023	80	NOTICE of Appearance by Justin B Little on behalf of National Center for Missing & Exploited Children, Incorporated (Little, Justin) (Entered: 05/19/2023)
05/19/2023	81	MOTION for Leave to Appear Pro Hac Vice by National Center for Missing & Exploited Children, Incorporated. (Attachments: # 1 Exhibit)(Little, Justin) (Entered: 05/19/2023)
05/19/2023		PHV Fee paid: \$ 75, receipt number AALNDC-4345427 (B5381). (Little, Justin) Modified on 5/22/2023 (MEB2). (Entered: 05/19/2023)
05/22/2023	82	TEXT ORDER granting 81 Motion for Leave to Appear Pro Hac Vice by National Center for Missing & Exploited Children, Incorporated. Signed by Judge L Scott Coogler on 5/22/2023. (MEB2) (Entered: 05/22/2023)
05/23/2023	83	Brief on Defendants' Pre-Hearing Memorandum. (Attachments: # 1 Exhibit Yeary Declaration, # 2 Exhibit A, # 3 Exhibit B)(Turner, Sara) (Entered: 05/23/2023)

05/23/2023	84	NOTICE of Appearance by William G Somerville, III on behalf of MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated (Somerville, William) (Entered: 05/23/2023)
05/23/2023	85	Brief <i>Plaintiffs Pre-Hearing Memorandum Regarding Plaintiffs Proposed Discovery Protocol for Handling CSAM Images</i> . (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Zarzaur, Gregory) (Entered: 05/23/2023)
05/23/2023	86	NOTICE of Appearance by Lindsay Pickell Lounsbury on behalf of All Defendants (Lounsbury, Lindsay) (Entered: 05/23/2023)
05/24/2023		Minute Entry for proceedings held before Judge L Scott Coogler: Discovery Hearing held on 5/24/2023. (Court Reporter Teresa Roberson) (MEB2) (Entered: 05/30/2023)
06/05/2023	87	Brief <i>Defendants Post-Hearing Memorandum Regarding The Handling Of Certain Images And Non-Party Information</i> . (Turner, Sara) (Entered: 06/05/2023)
06/12/2023	88	Brief <i>PLAINTIFFS POST-HEARING MEMORANDUM REGARDING DISCOVERY OF CSAM AND SUSPECTED CSAM</i> . (Zarzaur, Gregory) (Entered: 06/12/2023)
06/16/2023	89	MOTION for Leave to File <i>Reply in Support of Defendants' Post-Hearing Memorandum</i> by MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Attachments: # 1 Exhibit 1)(Turner, Sara) (Entered: 06/16/2023)
06/26/2023	90	TEXT ORDER granting 89 Motion for Leave to File. Signed by Judge L. Scott Coogler on June 26, 2023. (ABN) (Entered: 06/26/2023)
06/26/2023	91	REPLY Brief filed by Defendants 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated re: 87 Brief filed by 9219-1568 Quebec Inc, MG Billing LTD, MG CY Holdings LTD, MG Freesites II LTD, MG Freesites LTD, Mindgeek Content RT Limited, Mindgeek S.A.R.L., Mindgeek USA Incorporated. (Turner, Sara) (Entered: 06/26/2023)

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Exhibit B

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF ALABAMA
 WESTERN DIVISION**

JANE DOE #1, and JANE DOE #2, on)	
behalf of themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	CIVIL ACTION NO: 7:21-cv-
)	00220-LSC
v.)	
)	CLASS ACTION COMPLAINT
MG FREESITES, LTD, d/b/a)	
“PORNHUB”, a foreign entity; MG)	JURY TRIAL DEMANDED
FREESITES II LTD, a foreign entity,)	
MINDGEEK S.A.R.L., a foreign)	
entity; MINDGEEK USA,)	
INCORPORATED, a Delaware)	
corporation;)	
MINDGEEK CONTENT RT)	
LIMITED, a)	
Foreign entity; 9219-1568 QUEBEC)	
INC. d/b/a MINDGEEK, a foreign)	
entity; MG)	
BILLING LTD, a foreign entity,)	
Defendants.		

FIRST AMENDED COMPLAINT

INTRODUCTION

1. Plaintiffs and the proposed class are victims and survivors of childhood sex trafficking who had videos and images of their childhood sex trafficking sold, managed, and/or distributed on websites owned, operated, managed and/or

controlled by Defendants. Defendants have victimized and exploited this child sex abuse material for profit.

2. Defendants created, organized, and disseminated images and videos that depict child sexual abuse, often referred to as child pornography, on their websites. These images and videos are crime scenes Defendants monetized.

3. Plaintiffs bring this action against Defendants, who financially benefited from, or otherwise participated in, a sex trafficking venture in which Plaintiffs were victims. Plaintiffs were under eighteen years of age when they were depicted in commercial sex acts and child pornography, which was then made available for viewing on websites owned or operated by the Defendants, in violation of the Trafficking Victims Protection Reauthorization Act (“TVPRA”), 18 U.S.C. § 1591 and 1595, and other laws.

JURISDICTION AND VENUE

4. The Court has subject-matter jurisdiction over this matter under 28 U.S.C. § 1331 because this action arises under the laws of the United States.

5. Jurisdiction is further appropriate under 18 U.S.C. § 1596, which provides for jurisdiction over any offender, in addition to any “domestic or extraterritorial jurisdiction otherwise provided by law,” where the offender is “present in the United States, irrespective of the nationality of the alleged offender.”

6. The Court may properly exercise personal jurisdiction over all Defendants. Each of the Defendants maintains minimum contacts with the United States and the State of Alabama, such that maintenance of this lawsuit does not offend traditional notions of fair play and substantial justice. Defendants have purposefully availed themselves of this Court's jurisdiction. Each Defendant directs substantial business activity into this jurisdiction. There is a substantial nexus between Jane Doe #1 and Jane Doe #2's claims and Defendants' activities in the state of Alabama.

7. As set forth in more detail below, each of the Defendants acts as the alter ego of the others.

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims asserted in this action occurred in the judicial district where this action is brought, and the defendants engage in substantial business activities in this judicial district.

PARTIES

9. Plaintiff Jane Doe #1 is an individual who is now the age of majority under Alabama law and presently resides in Alabama. Jane Doe #1 is a victim of child sex trafficking and child pornography, pursuant to the TVPRA.

10. Due to the sensitive, private, and potentially retaliatory nature of Jane Doe #1's allegations, she requests that this Court permit her to proceed under a

pseudonym¹. Courts recognize an exception to the general rule that pleadings name all parties when the issues involved are of a sensitive and highly personal nature. For good cause, as exists here, the Court may permit Jane Doe #1 to proceed in pseudonym to protect a party from annoyance, embarrassment, oppression, or undue burden or expense. Here, granting pseudonym status is warranted because this litigation will involve the disclosure of stigmatizing sexual information, including rape. Plaintiff fears the stigma from her family, friends, employer, and community if her true identity is revealed in the public record.

11. Defendants will not be prejudiced by Jane Doe #1's use of a pseudonym. She will agree to reveal her identity to the Defendants for the limited purpose of investigating her claims once the parties are governed by a protective order. Jane Doe #1 simply seeks redaction of her personal identifying information from the public docket and assurances that Defendants will not use or publish her identity in a manner that will compromise her personal life or future employment prospects.

12. Jane Doe #2 is an individual who is now the age of majority under Alabama law and presently resides in California. Jane Doe #2 is a victim of sex trafficking and child pornography, pursuant to the TVPRA.

¹ On March 3, 2021, this Honorable Court granted the Plaintiffs' Motion for Leave to Proceed Pseudonymously without prejudice to the right of Defendants to respond if they feel necessary to do so after being served (ECF Doc.7).

13. Due to the sensitive, private, and potentially retaliatory nature of Jane Doe #2's allegations, she requests that this Court permit her to proceed under pseudonym. Courts recognize an exception to the general rule that pleadings name all parties when the issues involved are of a sensitive and highly personal nature. For good cause, as exists here, the Court may permit anonymous pleading to protect a party from annoyance, embarrassment, oppression, or undue burden or expense. Here, granting pseudonym status is warranted because this litigation will involve the disclosure of stigmatizing sexual information, including rape. Jane Doe #2 fears the stigma from her family, friends, employer, and community if her true identity is revealed in the public record.

14. Defendants will not be prejudiced by Jane Doe #2's use of a pseudonym. She will agree to reveal her identity to Defendants for the limited purpose of investigating her claims once the parties are governed by a protective order. Jane Doe #2 simply seeks redaction of her personal identifying information from the public docket and assurances that Defendants will not use or publish her identity in a manner that will compromise her personal life or future employment prospects.

15. Defendant MG FREESITES, LTD, d/b/a "PORNHUB" is a foreign entity incorporated in the Republic of Cyprus conducting business throughout the United States, including within the Northern District of Alabama. Upon information

and belief, MG FREESITES, LTD is a wholly owned subsidiary of MINDGEEK S.A.R.L., either directly or through intermediary companies that are also under the control of MINDGEEK S.A.R.L. Upon information and belief, MG FREESITES, LTD owns, operates, and/or manages one or several of the websites and is predominantly under the control of and operated by directors, officers and employees working in MindGeek's offices in the United States and Canada, with little business operations being conducted within the Republic of Cyprus, where MG FREESITES, LTD is incorporated.

16. Defendant MG FREESITES II LTD, is a foreign entity incorporated under the laws of the Republic of Cyprus conducting business throughout the United States, including within the Northern District of Alabama. Upon information and belief, MG FREESITES II LTD owns, operates, and/or manages one or several of the websites.

17. Defendant MINDGEEK S.A.R.L. is a foreign entity incorporated in Luxembourg conducting business throughout the United States, including within the Northern District of Alabama. Formerly known as ManWin, MINDGEEK S.A.R.L. is the consolidation of two large pornography companies, Mansef and InterTube. Over the past decade, MINDGEEK S.A.R.L. acquired competing businesses and now owns and operates over one hundred (100) pornographic websites, production companies, and brands. Upon information and belief, MINDGEEK S.A.R.L. is

thought to own and/or control the majority of the pornography on the Internet, much of which it distributes for free to any person, regardless of age, who has a web connection. MINDGEEK S.A.R.L.'s principal place of business is Montreal, Canada, with satellite offices in San Diego, Los Angeles, San Francisco, London, Bucharest (Romania), and Nicosia (Cyprus).

18. Defendant MINDGEEK USA, INCORPORATED, is a corporation incorporated in the State of Delaware conducting business throughout the United States, including within the Northern District of Alabama. Upon information and belief, MINDGEEK USA, INCORPORATED is a wholly owned subsidiary of MINDGEEK S.A.R.L., either directly or through intermediary companies also under the control of MINDGEEK S.A.R.L.

19. Defendant MG CY HOLDINGS LTD is a foreign entity incorporated under the laws of the Republic of Cyprus conducting business throughout the United States, including within the Northern District of Alabama.

20. Defendant MINDGEEK CONTENT RT LIMITED is a foreign entity incorporated under the laws of Ireland conducting business throughout the United States, including within the Northern District of Alabama. Upon information and belief, MINDGEEK CONTENT RT LIMITED owns, operates, and/or manages one or several of the websites.

21. Defendant 9219-1568 QUEBEC INC., d/b/a “MindGeek”, is a Montreal-based company conducting business throughout the United States, including within the Northern District of Alabama. Upon information and belief, 9219-1568 QUEBEC INC. employs between 750 and 999 employees with a portfolio of pornographic websites.

22. Defendant MG BILLING LTD is a foreign entity incorporated under the laws of Ireland conducting business throughout the United States, including within the Northern District of Alabama. Upon information and belief, MG BILLING LTD owns, operates, and/or manages the subscription services for one or several of the pornographic websites.

23. Herein, “Defendants” or “MindGeek” refers to MindGeek S.A.R.L., MG Freesites, Ltd., MG Freesites II, Ltd., MG Content RT Limited, 9219-1568 Quebec, Inc., MindGeek USA Incorporated; MG CY Holdings LTD, MG Billing LTD, and all of their parents, subsidiaries and affiliates.

24. Over the years, MindGeek’s corporate grouping has included over one hundred subsidiaries and related companies around the world, including the United States. The complete details of this complex network of related companies is unknown to the Plaintiffs and Class at this time.² MindGeek S.A.R.L. exercises

² See Open Corporates, *MindGeek Corporate Grouping*, https://opencorporates.com/corporate_groupings/MindGeek (last visited Mar. 20, 2021).

complete control and domination of the finances, policy, and business practices of the MindGeek entities. MindGeek entities are or were the alter egos of each other operating as a single business enterprise, commingling its funds and other assets to shelter and avoid liabilities and in an effort to hide the identity of all its owners and investors. All Defendants are jointly and severally liable in this action as alter egos of the other.

25. In particular, Plaintiffs are unaware of any “MindGeek”-related entity that does not act at the direction of the MindGeek enterprise operated by the Defendants.

26. MindGeek and its subsidiaries have utilized the United States judicial system to enforce their intellectual property, contractual, and other rights relating to the business they systematically and routinely conduct within the United States, including their pornographic websites.

27. The Defendants, together and individually, facilitated and financially benefited, from sex trafficking ventures between Defendants and others, including Jane Doe #1 and Jane Doe #2’s sex trafficking, in violation of the TVPRA.

28. Sex traffickers and the Defendants worked together to earn a profit from commercial sex acts and child pornography involving the Plaintiffs and Class members.

BACKGROUND

29. In 2000, Congress passed the Trafficking Victims Protection Act (“TVPA”). The TVPA was the first comprehensive law in the United States to penalize the full range of human trafficking offenses,³ including sex trafficking of children under the age of 18 or sex trafficking by force, fraud, or coercion.⁴

30. Congress reauthorized the TVPA in 2003.⁵ In doing so, the Trafficking Victims Protection Reauthorization Act (“TVPRA”) created a civil cause of action, codified at 18 U.S.C. § 1595.⁶

31. The TVPRA permits a party to bring a civil claim against perpetrators and against persons or entities who, although not the direct perpetrator, knowingly benefits from participating in what they should know was a sex trafficking venture.⁷

32. During a speech in New York City in September 2012, President Obama stated that human trafficking “ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it

³ See Victims of Trafficking and Violence Protection Act of 2000. Pub. L. No. 106-386, § 102(a), 114 Stat. 1464, 1467 (2000), available at <https://www.congress.gov/106/plaws/publ386/PLAW-106publ386.pdf>.

⁴ See 18 U.S.C. § 1591(a), available at <https://www.law.cornell.edu/uscode/text/18/1591>.

⁵ See Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, § 4(a)(4)(A), 117 Stat. 2875, 2878 (2003), available at <https://www.gpo.gov/fdsys/pkg/STATUTE-117/pdf/STATUTE-117-Pg2875.pdf>.

⁶ See 18 U.S.C. § 1595(a), available at <https://www.law.cornell.edu/uscode/text/18/1595>.

⁷ *Id.*

distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime.”⁸

33. Statistics released in 2014 by the International Labor Organization (“ILO”) showed that approximately 4.5 million people were victims of forced sexual exploitation globally and that the violation of their human rights yielded an estimated annual profit of \$99 billion dollars for sex traffickers worldwide.⁹

34. The United States Department of Justice estimates that pornographers have recorded the abuse of more than one million children in the United States.¹⁰ The Internet has radically changed how child pornography is reproduced and disseminated according to the United States Department of Justice. “The expansion of the Internet has led to an explosion in the market for child pornography, making it easier to create, access, and distribute these images of abuse. While ‘child pornography’ is the term commonly used by lawmakers, prosecutors, investigators and the public to describe this form of sexual exploitation of children, that term largely fails to describe the true horror that is faced by hundreds of thousands of children every year. The child victims are first sexually assaulted in order to produce

⁸ President Barack Obama, *Remarks to the Clinton Global Initiative* (Sept. 25, 2012), (transcript available at <https://obamawhitehouse.archives.gov/the-press-office/2012/09/25/remarks-president-clinton-global-initiative>).

⁹ International Labour Office, *Profits and Poverty: The Economics of Forced Labour* at 13 (2014), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf.

¹⁰ Roger J.R. Levesque, *Sexual Abuse of Children: A Human Rights Perspective*, at 66 (Ind. Univ. Press 1999).

the vile, and often violent, images. They are then victimized over and over again each time images of their sexual assault are traded over the Internet in massive numbers by like-minded people across the globe.”¹¹

35. In the United States, the National Center for Missing and Exploited Children (“NCMEC”) serves as the national clearinghouse for child pornography/child sexual abuse material (“CSAM”) reports. NCMEC was created by an Act of Congress and is federally funded. NCMEC operates the “CyberTipline,” which gathers reports of child sexual exploitation (including child pornography, online enticement, and contact offenses). The CyberTipline provides an online mechanism for members of the public and electronic service providers to report incidents of suspected child sex trafficking or child sexual abuse images. In 2019, the CyberTipline processed 16.9 million reports and approximately 21 million reports in 2020. NCMEC also operates the U.S. Child Victim Identification Program and, as of 2019, it had reviewed more than 312 million images and videos of child sexual abuse material.¹²

36. NCMEC maintains a hash-sharing system and database that allows companies like MindGeek, if they wanted, to check all videos / images against the

¹¹ U.S. Department of Justice, *The National Strategy for Child Exploitation and Human Interaction: A Report to Congress*, at 3 (Aug. 2010), <https://www.justice.gov/psc/docs/natstrategyreport.pdf>

¹² National Center for Missing & Exploited Children, *Child Sexual Abuse Material (CSAM)*, <https://www.missingkids.org/theissues/csam> (last visited Feb. 8, 2021).

database to ensure they are not hosting CSAM and that no known CSAM images/videos could be reuploaded in the future.

37. In March 2020, after years of being confronted with allegations that CSAM was being created, harbored, facilitated and generating profit, MindGeek decided to turn over 4,171 videos to NCMEC.

38. In February 2021, MindGeek finally agreed to use the NCMEC hash-sharing database, but as of the end of February 2021, MindGeek had not yet accessed the system to check if any of the videos in their library, currently live or of those thousands of unverified videos they removed yet still house, matched those in the database qualifying as known CSAM, requiring the video be removed and turned over to NCMEC to prevent future uploading and to abide by U.S. child pornography laws.

39. On January 31, 2020, President Trump entered Executive Order #13903, entitled “Combating Human Trafficking and Online Child Exploitation in the United States.”¹³ The Order stated: “Human trafficking is a form of modern slavery. Throughout the United States and around the world, human trafficking tears apart communities, fuels criminal activity, and threatens the national security of the United States. It is estimated that millions of individuals are trafficked around the

¹³ Exec. Order No. 13903, 85 Fed. Reg. 6721, 6721-6723 (Jan. 31, 2020), <https://www.federalregister.gov/documents/2020/02/05/2020-02438/combating-human-trafficking-and-online-child-exploitation-in-the-united-states>.

world each year—including into and within the United States.” It further stated that “Twenty-first century technology and the proliferation of the internet and mobile devices have helped facilitate the crime of child sex trafficking and other forms of child exploitation. Consequently, the number of reports to the National Center for Missing and Exploited Children of online photos and videos of children being sexually abused is at record levels.”

FACTUAL ALLEGATIONS

A. COMMERCIAL SEX ACTS INVOLVING MINORS IS SEX TRAFFICKING

40. Under 18 U.S.C. § 1591(e)(3), the term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person. 18 U.S.C. § 1591(e)(3).

41. Section 1591(a)(1) and (a)(2) make it a crime to benefit, financially or by receiving anything of value, from participation in a venture which knowingly recruits, entices, harbors, transports, provides, obtains, maintains, patronizes, or solicits by any means a person for commercial sex, where the person is under 18, or induced by force, fraud, or coercion. 18 U.S.C. § 1591(a)(1).

42. The TVPRA, as amended in 2008, improved a victim’s ability to hold traffickers accountable by eliminating the requirement to prove a particular defendant knew a sex trafficking victim was a minor, in cases where the defendant had a reasonable opportunity to observe the minor. The TVPRA also significantly

expanded the civil cause of action to include those who financially benefit from what they know or should know is sex trafficking.

43. In 2018, Congress passed a bill known as Fight Online Sex Trafficking Act (“FOSTA”) and Stop Enabling Sex Traffickers Act (“SESTA”) (collectively, “FOSTA/SESTA”) to amend 47 U.S.C. § 230, the Communications Decency Act, to clarify that it was never intended to provide immunity for websites facilitating illegal commercial sex acts with children or adult victims of human trafficking on websites.¹⁴ The FOSTA/SESTA amendment to Section 230 is retroactive, applying “regardless of whether the conduct alleged occurred, or is alleged to have occurred, before, on, or after ... enactment.”¹⁵

44. Plaintiffs have sufficiently pled that they were victims of sex trafficking within the meaning of 18 U.S.C. § 1591 and are therefore entitled to bring a civil action under 18 U.S.C. § 1595.

B. MINDGEEK FACILITATES SEX TRAFFICKING OF MINORS

MindGeek’s corporate structure and reach

45. The MindGeek Defendants include a number of intertwined and related entities; MindGeek has a complex corporate structure through which it has developed, designed, produced, possessed, advertised, and distributed pornographic

¹⁴ Pub. L. 115–164, §2, Apr. 11, 2018, 132 Stat. 1253.

¹⁵ See 132 Stat. 1253, §4(b). See also *Woodhull Freedom Found v. United States*, 948 F.3d 363,368 (D.C. Cir. 2020).

content throughout the world and the United States, including specific business contacts with Alabama.

46. The MindGeek Defendants own and control one of the largest and most-visited pornographic websites in the world, www.Pornhub.com (“Pornhub”), as well as www.YouPorn.com, www.RedTube.com, www.XTube.com, and www.Tube8.com.¹⁶

47. In 2019, Pornhub averaged 115 million visits a day, and acquired 1.36 million hours (or 169 years’ worth) of new content.¹⁷ 6.83 million new videos were uploaded to Pornhub in 2019.¹⁸ “To put this in perspective – if you strung all of 2019’s new video content together and started watching them in 1850, you’d still be watching them today!”¹⁹ 39 billion searches were performed over 42 billion visits.²⁰

48. The United States remained by far the country with the highest daily traffic on Pornhub, with Alabama users ranking second in the nation in time spent per visit to Pornhub.

49. According to the Canadian Centre for Child Protection, the majority of Pornhub’s content is hosted on U.S.-based servers.²¹

¹⁶ *MindGeek*, www.mindgeek.com (last visited Mar. 20, 2021),

¹⁷ See Pornhub Insights, *The 2019 Year in Review*, <https://www.Pornhub.com/insights/2019-year-in-review> (last visited Mar. 20, 2021).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Canadian Centre for Child Protection, *An analysis of CSAM and harmful-abusive content linked to certain electronic service providers*, Project Arachnid: Online Availability of Child

MindGeek's role in content creation and development

50. Until December 2020, most of the videos and images on Pornhub, including those for Jane Doe #1 and #2, were uploaded with no attempt to verify the identification, age, or consent of the persons uploading it or featured in it.

51. In December 2020, MindGeek suspended “nine to ten million unverified videos” from Pornhub.²²

52. Although Pornhub is a tube site, MindGeek does not rely exclusively on user-generated videos and images, but includes videos and images from a number of Content Partners, including Brazzers, Fake Taxi, and Kink.com,²³ and until recently, GirlsDoPorn, whose leaders now face sex trafficking charges for coercing women into producing pornography and earning money from doing it.²⁴

53. MindGeek owns some of the entities it describes as Content Partners, including Brazzers, Babes.com, Digital Playground, Reality Kings, and Twistys.²⁵

Sexual Abuse Material, at 32 (June 8, 2021),
https://protectchildren.ca/pdfs/C3P_ProjectArachnidReport_en.pdf.

²² See, Jordan Valinsky, *Pornhub removes a majority of its videos after investigation reveals child abuse*, CNN Business (Dec. 15, 2020, 12:24 PM),
<https://www.cnn.com/2020/12/15/business/Pornhub-videos-removed/index.html>.

²³ See Pornhub, *Pornhub Network Content Partner Program*,
<https://www.Pornhub.com/partners/cpp> (last visited Mar. 20, 2021).

²⁴ See Samantha Cole & Emanuel Maigberg, *Pornhub finally removes girls o porn*, VICE (Oct., 19, 2019, 5:12 PM) https://www.vice.com/en_us/article/43kb5q/Pornhub-finally-removes-girls-do-porn.

²⁵ Pornhub, *supra* note 21.

54. Pornhub admits that they create at least some videos and images on their website.²⁶ At the bottom of most pages, Pornhub includes this statement: “The Pornhub team is always updating and adding more porn videos every day.”²⁷

55. In 2016, MindGeek boasted that it was producing “over 400 exclusive scenes every month.”²⁸

56. Where MindGeek is not creating videos and images for content, it is developing, designing, and controlling videos, images, text, tags, advertising, and other aspects of its site in some fashion. MindGeek’s business model is predicated on maximizing views and traffic to its site. It accomplishes this by tightly controlling through editing, creating, and modifying titles, tags, keywords, storylines, themes, and scenes of every single video on the site despite its source.

57. As further described below, MindGeek actively controls how and what videos are posted; the discussions/comments surrounding particular videos and

²⁶ See, e.g., *Malibu Media, LLC v. Doe*, 381 F. Supp. 3d 343, 355 (M.D. Pa. 2018) (“Moreover, the terms of Pornhub’s license refer to ‘our Works’—quite plainly referencing Pornhub’s *original* works—and not to ‘Content Posted by Users,’ which the terms of use address separately. (defining ‘our Works’ as ‘content we own, authored, created, purchased, or licensed’ and ‘Content’ as user-submitted ‘content, data, information, videos, images, recordings, materials, code or content of any kind’).”).

²⁷ See generally Pornhub, <https://www.Pornhub.com> (last visited Mar. 20, 2021).

²⁸ Orlando Crowcroft, *Pornhub: How ‘the YouTube of sex’ changed the porn world - and how it may still destroy it*, International Business Times (Apr. 25, 2016, 12:18 PM), <https://www.ibtimes.co.uk/Pornhub-how-youtube-sex-changed-porn-world-how-it-may-still-destroy-it-1554844>.

images; processes for viewing, posting, and creating accounts; and processes for encouraging and rewarding income and fees for downloaded and viewed content.

58. Pornhub maintains a 40-page instruction and direction guide, called “The Pornhub Playbook,” advising how to make money from the site.²⁹ Pornhub advises uploaders on what types of videos and images to post, specifically suggests keywords and categories, and will edit non-compliant posts.

59. Pornhub’s instruction and direction guide includes the following:

- “Genitals should not be censored or blurred (If possible)”
- Titles for videos:
 - “*Bad*: Big Tit Teacher Pornstar Hardcore Sex”
 - “*Good*: Busty School Teacher Capri Cavalli Fucks Big Dick Student During Detention”
- “Something else to keep in mind: Try less common categories in addition to popular ones! Categories such as ‘Teen’, ‘Big-Tits’ and ‘MILF’ are popular, so those pages will change almost daily. By choosing relevant but less popular categories such as ‘Outdoor’, ‘POV’ or ‘Euro’, your clips will appear higher in the results and stay there longer.”

²⁹ See generally Pornhub, *The Pornhub Playbook: How to Make Money with Pornhub*, https://www.Pornhub.com/content_partner_guide.pdf.

- “Tags are words used to describe actions (rimming, scissoring), positions (doggystyle, cowgirl), settings (kitchen, library), objects (dildo, handcuffs) and attributes (petite, trimmed).”
- “Actions portrayed in the thumbnail MUST appear in the video. e.g., If the thumbnail depicts a blowjob, the video must contain a blowjob scene.”³⁰

60. Pornhub instructs its partners: “Pornhub users have certain expectations. Formatting content in a manner that will appeal to our audience is vital to generating more views and higher ratings.” Pornhub then goes on to give scene by scene instructions, “Use compelling content (dialogue/story/reality) to start the video. If there is no storyline, then tease the viewer with a good action shot. The middle of the video should be composed of multiple hardcore action scenes and various sexual positions. For the clip’s ending, make sure you go out with a bang! Videos that achieve the highest user ratings always end with an orgasm and/or cumshot.”³¹

61. The content guide also offers Content Partners further assistance if they want it: “Our knowledgeable and friendly team will walk you through every step of the way. Contact us and start promoting your brand today!”³²

³⁰ *Id.* at 5, 12-14.

³¹ *Id.*

³² *Id.* at 34.

62. Pornhub had a banned terms list, which stated: “Due to payment processor regulations, the rules are a bit stricter. Here’s a list of words you can’t use in your video titles. Also, if your videos contain any content that matches these descriptions, they’ll be taken down as well.”³³

63. The banned terms list is no longer available on Pornhub’s website for general users but remained on the Modelhub FAQ page until June 2020.³⁴ However, many of these terms still appear in the titles or tags of videos but in loosely concealed forms, such as a letter replaced with an asterisk, appearing in a different language, or represented by a term common to predators and exploiters looking for such videos and images. Often these searches within Pornhub also create related search terms so that the user can locate similar content.

64. Either Pornhub content developers are replacing terms indicating illegal content with asterisks, rather than taking the content down, or they are allowing users to do so as they claim to review all posted content.³⁵

65. MindGeek creates and suggests tags for users. MindGeek requires users to choose a minimum number of tags from provided options when a new video is

³³ See Attached Exhibit 1

³⁴ *Id.*

³⁵ See Pornhub, *Answers to Community Questions*, <https://www.Pornhub.com/blog/10012> (last visited Mar. 2020).

uploaded and when users choose certain tags MindGeek suggests related tags to increase traffic to the videos.

66. Keywords and tags are essential for search engine optimization which drives users Googling pornographic content to MindGeek websites. MindGeek's business model is centered on designing, modifying, developing, and controlling content to maximize search engine optimization. MindGeek's website describes itself as "A leader in IT, Web Development and SEO."³⁶ MindGeek boasts, "[w]ith over 100 million daily visitors to some of the world's largest trafficked websites, we're uncovering trends and user habits overnight that takes others months to gather."³⁷ MindGeek has a "Search Engine Marketing" team dedicated to "develop[ing] successful strategies to ensure top-ranking in search engine traffic."³⁸

67. MindGeek ensures uploaders use the keywords, tags, and titles that increase SEO, and profits, by collecting and actively placing data regarding these in multiple places on their websites, through blogs to uploaders,³⁹ the instructions and requirements for Modelhub members, verified users, and Content Partners, as well as the mandate to MindGeek formatters, those in charge of reviewing and editing content, to add tags to videos and change titles described in more detail *supra*.

³⁶ Mindgeek, *About*, <https://www.mindgeek.com/about/> (last visited Mar. 20, 2021).

³⁷ *Id.*

³⁸ Mind Geek, *Services at Mind Geek: Search Engine Marketing*, (last visited Mar. 20, 2021), <https://www.mindgeek.com/services/#search-engine-marketing>.

³⁹ Andy, *Marketing for Models*, Modelhub (last visited Mar. 20, 2021), <https://www.Modelhub.com/blog/6601>.

MindGeek even penalizes those who use titles, tags, or categories incorrectly, threatening a “loss of earnings.”⁴⁰ Because MindGeek controls the flow of money to Modelhub members and Content Partners, they can force compliance with content creation according to their specific parameters.

68. MindGeek closely tracks and publishes data surrounding traffic, keywords and search terms. For example, MindGeek publishes a yearly review with a section dedicated to most popular search terms.⁴¹ MindGeek runs a “Pornhub Insights” blog which includes detailed articles about traffic on their site including a “Tech Review” breaking down traffic from different countries around the world and analyzing data broken down by device,⁴² and traffic related to search terms and current events such as the 2020 election.⁴³ MindGeek operates a so-called “wellness” blog titled “PornMD” even compiles the most popular search terms by sexual orientation, categorized alphabetically and by website.⁴⁴ This blog runs a live ticker at the top of the page showing current searches as they are occurring on MindGeek websites in real time. You can also watch the searches live on a separate webpage and filter by country and sexual orientation.⁴⁵

⁴⁰ See attached Exhibit 2.

⁴¹ Pornhub, *supra* note 15.

⁴² *Id.*

⁴³ Pornhub, *2020 Election Week Searches*, Pornhub Review (Nov. 6, 2020), <https://www.Pornhub.com/insights/2020-election-week-searches>.

⁴⁴ PornMD, *Most Popular*, <https://www.pornmd.com/straight/most-popular> (last visited Oct. 2020).

⁴⁵ *Id.*

69. This data regarding search terms demonstrates that the keywords “teen”⁴⁶ and “amateur”⁴⁷ are consistently the top search terms in North America for Pornhub. Both of these keywords are associated with CSAM and victims of non-consensual sexual activity or non-consensually shared content and MindGeek knows this.

70. MindGeek explains the popularity of the term “amateur” through their employee Dr. Laurie Betito: “It seems that people are looking for more realistic depictions of sex. “Real” people vs. actors seems to be the draw. It’s interesting that more and more people are putting themselves out there as amateurs. Sex has become so much less taboo that those who get a kick out of exhibitionism can do so with very little experience or equipment. The message is: anyone can be a porn star!”⁴⁸

71. MindGeek’s focus on certain keywords and tags, and its creation of related search terms, has resulted in MindGeek websites regularly appearing among the top results for virtually any pornography-related Google search, and even for searches unrelated to pornography but which contain certain keywords.⁴⁹ This search engine optimization is what made Pornhub one of the most popular pornography websites in the world.

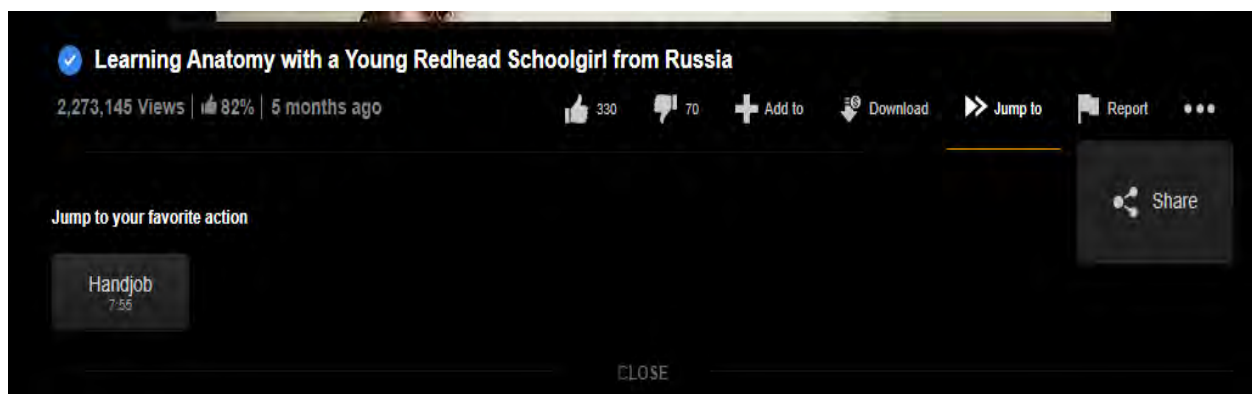
⁴⁶ Pornhub, *supra* note 15.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ (Attached as Exhibit 3).

72. MindGeek creates a graph or timeline and places it underneath videos to demonstrate the level or intensity of activity within the video. This action by MindGeek helps the viewer identify and quickly advance to various levels of sexual activity within the video. Upon information and belief, MindGeek harvests this data to optimize its ad placement and to otherwise monetize on the viewer's viewing habits and addictions.



73. Many videos available on Pornhub also contain buttons created by MindGeek and added to sections within the timeline or graph. These buttons assist viewers in skipping ahead to various parts of the video that pique their interests. For example, buttons created by MindGeek would include “doggy style”, “hand job”, and others.⁵⁰ Upon information and belief, these efforts by MindGeek are yet another way to optimize profit sharing, ad placement, and otherwise capitalize on the data learned by capturing the viewer's preferences.

74. MindGeek creates thumbnails for the videos on its site and stores them on a separate server. This includes thumbnails created from CSAM videos. Thumbnails are a key component to attracting viewers to a video and MindGeek knows this as it advises its content partners, “After uploading a new video, a notification will appear in your profile when thumbnails are ready to be selected. A well-chosen thumbnail will greatly impact the number of views by making videos more appealing for users to click on.”

75. MindGeek generates these thumbnails from uploaded videos and allows the uploader to choose from within the MindGeek created set.⁵¹ In this way, MindGeek requires thumbnails for every video. MindGeek only allows their Content Partners or videos for sale or with a download price to upload custom thumbnails, and even these are strictly controlled by MindGeek, and must comply with the following requirements:

Any text, Logos or superimposed images cannot be larger than 1/3 of the thumbnail. Actions portrayed in the thumbnail MUST appear in the video. e.g. If the thumbnail depicts a blowjob, the video must contain a blowjob scene. Fake elements like play buttons are not permitted on thumbs. Specialty Thumbs that are permitted: Promo Shots; An image that doesn't necessarily happen in the video, but was taken to promote the video. Think, girl's surprised face at huge penis or Large guy standing next to tiny girl to demonstrate contrast. Compositions; a collage of multiple parts of the video. Same rules from above will apply.⁵²

⁵¹ <https://help.pornhub.com/hc/en-us/articles/115007986967-Video-Thumbnails>

⁵² Pornhub, *supra* note 27.

76. MindGeek offers several profit sharing programs with uploaders including, but not limited to, the Modelhub program, and the Content Partner Program.

77. MindGeek maintains continuous business relationships with members of both of these programs in the form of granting them an elevated status on the site, promotion of their content, greater control and development of their content, support services, resources to assist their viewership and profit sharing. MindGeek splits advertising revenue and takes a direct cut from paid content and tips for Modelhub members and splits advertising revenue with Content Partners.

78. MindGeek's Content Partners included GirlsDoPorn, a channel that had more than 600 million views, where women were told they were being considered for modeling jobs and flown to San Diego.⁵³ The perpetrators gave the women drugs and alcohol, rushed them to sign the contracts, and in some cases threatened them with legal action if they backed out, or prevented them from leaving until they did the scenes.

79. One male performer from GirlsDoPorn was convicted and sentenced to 20 years in prison for sex trafficking and conspiracy to commit sex trafficking in

⁵³ Pauline Repard, *22 women win \$13 million in suit against GirlsDoPorn videos*, Los Angeles Times (Jan. 2, 2020), <https://www.latimes.com/california/story/2020-01-02/lawsuit-girlsdoporn-videos>.

June 2021,⁵⁴ a cameraman pled guilty to conspiracy to commit sex trafficking in January 2021,⁵⁵ and an administrative assistant, who provided travel arrangements and transportation for the victims, pled guilty to conspiracy to commit sex trafficking in April 2021.⁵⁶

80. MindGeek waited more than two years after the civil lawsuit was filed⁵⁷ – until GirlsDoPorn owners were indicted – to remove the sex trafficking channel,⁵⁸ and people could still access the videos as late as December 2020.⁵⁹ In the meantime, MindGeek continued to profit from the sex trafficking videos’ views or any increased traffic to and within its website linked to these videos.

81. Another long time Content Partner of MindGeek was “Czech Casting,” which has since been shut down as nine people associated with the channel were

⁵⁴ United States Attorney’s Office S.D. Cal., *So Twenty-Year Sentence in GirlsDoPorn Sex Trafficking Conspiracy*, United States Department of Justice (June 14, 2021), <https://www.justice.gov/usao-sdca/pr/twenty-year-sentence-girlsdoporn-sex-trafficking-conspiracy>.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Pornhub still had GirlsDoPorn as a Content Partner in August 2019. Samantha Cole, *supra* note 21. The first complaint was filed in March 2017. *See* Second Am. Compl. *Jane Doe Nos. 1-22, v. GirlsDoPorn.Com*, No. 37-2016-00019027 (Cal Super. Ct. 2020), <https://sanfordheisler.com/wp-content/uploads/2019/08/Complaint-Does-1-14.pdf>. It alleged conduct that violated federal sex trafficking statutes, though it did not contain a direct claim for sex trafficking beneficiary claim.

⁵⁸ *See* Sean Hollister, *Pornhub removes GirlsDoPorn, finally drawing a line at sex trafficking charges*, The Verge (Oct. 14, 2019), <https://www.theverge.com/2019/10/14/20914593/Pornhub-girls-do-porn-mindgeek-remove-channel-videos>. GirlsDoPorn was indicted in October 2019.

⁵⁹ Complaint, *supra* note 37, ¶ 73.

arrested for human trafficking, sexual coercion and rape in July 2020.⁶⁰ This was a highly successful channel on Pornhub with over 79 million views and boasted “[t]he largest casting on Earth!” The owners of this channel had several channels on Pornhub collectively garnering almost 1 billion views.⁶¹

82. Modelhub is a MindGeek company that offers the “amateur” pornographer various methods to upload content and create view-based revenue on Pornhub, Pornhub premium, and Modelhub.

83. Pornhub added over 98,000 new members in 2019 to its Modelhub program bringing the total to around 130,000.⁶² In addition to ad revenue, MindGeek controls and shares in all of Modelhub Models’ earnings, with models receiving up to 65% of on-demand videos, 80% of revenues from fan-only videos,⁶³ and 80% of any tips.⁶⁴ Pornhub takes a portion of the money, including tips, in addition to a 15% processing fee.⁶⁵

84. Pornhub sets the payment cap for “models” and writes: “In the event you violate any part of these Terms of Services, you violate any third party right,

⁶⁰See Prague Morning, *Czech Casting: Women Lured By Modeling Gigs, Manipulated Into Shooting Porn* (July 18, 2020), <https://praguemorning.cz/czech-casting-women-lured-by-modeling-gigs-manipulated-into-porn/>.

⁶¹ See Exhibit 4.

⁶² Pornhub, *supra* note 15.

⁶³ See Modelhub, *Terms and Conditions*, <https://www.Modelhub.com/information/terms> (visited on Mar. 20, 2021).

⁶⁴ See Pornhub, *Earnings and Payments*, <https://help.Pornhub.com/hc/en-us/articles/360046090414-Earnings-and-Payments> (visited on Mar. 20, 2021).

⁶⁵ *Id.*

including without limitation any copyright, property, or privacy right, or where a third-party claims that all or any part of your Content caused it damage, we may, in our sole discretion, withhold indefinitely payments to you.”⁶⁶

85. Essentially, MindGeek moderators eyeball the performers in the video to see if they look young. If the performer is a child under the age of 12, it may be more likely that a moderator would flag that video or image. However, if the performer is 15, 16, 17, the moderator may be less likely, and less inclined, to flag that video or image.

86. MindGeek asks amateurs to fill out an online form stating what type of requests the amateur is willing to take. Further, competitions for cash and prizes are promoting riskier behaviors that are encouraged by Pornhub based on what users are searching for.⁶⁷

87. Consistent with MindGeek’s material contributions on their site, they provided a 15-page “How to Succeed” instruction and directive for Modelhub members, as well as detailed “Help” and “FAQ” pages on their website to ensure even these “amateur” uploaders include the scenes, activity, keywords, tags, and titles that MindGeek knows successfully generates traffic to videos.

⁶⁶ Modelhub, *supra* note 66.

⁶⁷ See Chase Renier, *How to Make Money On Pornhub (Simple Guide to Making Your First \$100)*, Black and White Ninja (May 6, 2019), <https://www.blackandwhite.ninja/blog/how-to-make-money-on-Pornhub>.

88. MindGeek ensures that these “guidelines” are followed by controlling the earnings with of Modelhub members.

89. For example, MindGeek threatens removal of earnings if a model uses a tag, category, or title for a video that does not contain the action represented in the video. (MindGeek does not threaten to remove the video itself for non-compliance, suggesting that they will profit from it, without allowing the model to do so).

90. Additionally, MindGeek explains, “We pay out a high percentage (80%+) of the ad revenue that your videos earn. Your earnings are based on the views of your video times the ad rate. The ad rate is calculated based on the performance of the ads around your video (clicks, user country, sales).”⁶⁸ MindGeek knows from years of data mining what increases traffic, and they tell Modelhub members in detail the content, titles, keywords, and tags their videos need to contain to drive this traffic. The message and operation is clear, follow these rules and you get paid.

91. For custom videos, which can be requested by “fans”, MindGeek generates the form with the available options for the uploader to choose from to craft a request from for their “fans”. For example, the uploader can choose from a variety of MindGeek generated sex acts in the “extras” section of the MindGeek created

⁶⁸ See Pornhub, *Model Payment Program: How to Succeed*, <https://bs.phncdn.com/misc/images/How%20to%20Succeed.pdf>.

form and then this becomes the request form Modelhub “fans” use to request custom videos. Through these forms MindGeek controls video length, resolution, content and delivery time for “custom” videos requested by fans and takes 35% of the profits.⁶⁹

92. MindGeek’s Modelhub guide also did not require uploaders or users to verify the age or consent of co-performers in the video at the time of upload, only “strongly recommend[ing]” that a co-performer agreement be kept by the uploader if there are others in the video, in order to “take all necessary actions to protect both yourself and your content.”⁷⁰

93. MindGeek further instructs that “if you forget to identify yourself in the upload process” (much less any co-performer, rape victim, or non-consenting participant) just email Modelhub.⁷¹

94. MindGeek knew or should have known that it was profit sharing with sex traffickers on its site as evidenced by some examples of content that MindGeek has verified, distributed, and monetized through Modelhub:

- Verified Model “Suga Daddy Zo” films his commercial sex encounters with real prostituted persons. The description of his channel reads, “On this channel I fuck all kinds of prostitutes. Street Walkers, Online Hos,

⁶⁹ See Pornhub, *Custom Videos*, <https://help.Pornhub.com/hc/en-us/articles/360013666833-Custom-Videos> (visited on Mar. 20, 2021).

⁷⁰ Pornhub, *supra* at 60.

⁷¹ See, Pornhub, Models, www.Pornhub.com/partners/models (last visited Feb. 7, 2021).

Everyday working Hos, they all get fucked here.”⁷² Many of his videos are shot in his car with titles such as, “On the Hunt for Hos (The Lost Tapes of Ep. 11) Run-a-way teen,”⁷³ “On the Hunt for Hos Ep. 16 (Kelvyn Park High School Teen) Barely Legal,”⁷⁴ His videos have 9.7 million views, and he has 21 thousand subscribers. It is clear that this “Verified Model” is not submitting the name, age verification or any other information on the women he is exploiting in these videos and yet MindGeek approves them for distribution, collects the money paid by “fans,” makes direct payments to this perpetrator, and shares in the profits.

- Verified Model, Modelhub member, and sex tourist Randy Johnson advertises his videos as “massage videos of young amateur teens and milfs” where he records illegal message sessions that result in commercial sex acts with titles such as, “Oil Massage for tiny ebony teen then smash her hard,” “Black Teen Massage ends in Reverse Cowgirl & Doggy,” and “Hotel Thai Massage Girl Gets Destroyed by Tourist⁷⁵.” The production type is listed as homemade and the tags

⁷² See Pornhub, *Pornstars*, <https://www.Pornhub.com/model/suga-daddy-zo> (last visited Mar. 2021). See attached Exhibit 5

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ See Pornhub, <https://www.pornhub.com/model/randy-johnson/videos> (Last visited Mar. 2021) Attached as Exhibit 6

include “massage, hotel massage, fuck massage, exploited teens, and exploited teens asia.” Because Randy is a verified model, Pornhub receives a percentage of any money he makes through Modelhub including tips. Again, each video depicts different women from different countries, and it is clear in many of the videos that the women do not know they are being recorded, some of the titles include phrases like “secret filming”. Their information is not being verified by MindGeek yet MindGeek shares the profits from these videos. His videos have 9.8 million views.

- A missing 15-year-old-girl was found by her mother in 58 pornographic videos, many of which were on Pornhub and Modelhub.⁷⁶
- Jane Doe #1 was trafficked by a MindGeek Modelhub member.
- Jane Doe #2 was trafficked by an official MindGeek Content Partner.

MindGeek’s profit model

95. MindGeek’s business model is tied to user clicks and views; the more user engagement, the higher the profits.

96. To draw in new users and maintain market share, MindGeek makes most of its library fully available and free to view, even without creating an account.

⁷⁶ Pritha Paul, *15-year-old girl missing for a year spotted in 58 videos on adult websites, Periscope and Snapchat by mother*, MEAWW (Feb. 27, 2021), <https://meaww.com/missing-teen-adult-video-Pornhub-Modelhub-snapchat-periscope>.

In this way, MindGeek will distribute content -- including child pornography -- to anyone.

97. To maximize content MindGeek allowed anyone to upload videos, even anonymously, with no age or consent verification. All that was needed was an email address to create an account and a video could be uploaded and live within minutes. MindGeek formatters would modify titles and add keywords and tags to ensure videos incurred views but would take no measures to ensure those depicted in the videos had consented or were adults.

98. MindGeek also sells videos on a one-off or subscription basis. Videos may be downloaded for a cost as well. Under this model, MindGeek makes the sale for a fixed price for download, as well as any applicable subscription fees, then divides that revenue with users who have uploaded videos. The commission is gauged by the length of time a video is viewed or number of times a video is downloaded.

99. MindGeek employees create content on Pornhub to increase and encourage visits to particular pornographic videos and images by developing an achievement system for milestones related to particular videos and views. More views and longer views equal more money.

100. Traffic Junky is a web advertising and digital marketing company created, owned, and/or operated by MindGeek for use on Pornhub. One of the revenue models for MindGeek is based on being able to sell ads to advertisers.

101. Through Traffic Junky, MindGeek sells banner and sidebar advertisements, as well as advertisements that appear before and after videos. MindGeek placed these advertisements on videos featuring CSAM.⁷⁷

102. As noted above, MindGeek hires formatters who are instructed to label and tag videos and images for the purpose of viewing and categorizing content to increase search engine optimization and so that advertisers can reach users quickly. If users are frequently searching for a term, MindGeek will capitalize on it and produce or tag materials based on frequent search terms by the users.

103. MindGeek edits advertisements placed on its website and TraffickJunky is the MindGeek department that facilitates “data driven decisions” about advertising content. These ads frequently highlight terms such as “girls,” “boys,” “broken teens” and “twink,” which are terms that are known and encouraged for use by MindGeek and are the same terms that promote the use and creation of child sexual abuse materials. Further, it advises the most popular keywords to use, include “teen” as the second most searched term by millennials.⁷⁸ Traffic Junky

⁷⁷ <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>.

⁷⁸ See, <https://www.trafficjunky.com/blog/2016/09/16/want-to-target-millennials/>

publicizes how it targets a younger population by reaching them Monday nights, not on the weekend when they are out with friends.

104. MindGeek developed ads and affirmatively chose the characteristics and categories of content to determine what users would be targeted and where the ads would be directed.

105. One of the MindGeek companies that collects subscriptions from premium users of MindGeek's websites (MG Billing Ltd) generated revenue of at least \$1.3 billion between 2012 and 2018 and revenue for 2018 alone totaled at least \$220.9 million – or a weekly average of at least \$4.2 million.⁷⁹

106. With its Modelhub program, subscription revenue, premium content, data collection and advertising, MindGeek profited from images and videos of commercial sex acts, including the sexual abuse and rape of children, and by definition trafficking victims, who were under eighteen years of age. This profit-making activity included the rape of each of the Plaintiffs.

⁷⁹ Gordon Deegan, *Grant Thornton Resigns as Auditor to Firms Owned by Pornhub Operator*, Irish Times (February 9, 2021) <https://www.irishtimes.com/business/economy/grant-thornton-resigns-as-auditor-to-firms-owned-by-pornhub-operator-1.4480517#.YCMd5f48f6s.twitter>.

MindGeek's data mining and optimization

107. MindGeek's billions of monthly views allow it to gather massive amounts of consumer data, and to use that data to grow, become more competitive, and help shape new content.⁸⁰

108. MindGeek uses "data-driven creativity" to produce, suggest, and promote content that is tailor-made for users according to what they have previously enjoyed,⁸¹ including videos involving non-consensual actors, rape, and child pornography.

109. According to press reports, MindGeek uses data mining to highlight new trends, compare viewing habits of users in different cities or regions, and to register what videos users are choosing, including which moments they pause at, which scenes they skip, and which scenes they rewind to and replay.⁸² MindGeek even harvests data on and commercializes the clothes actors wear and the furniture in the videos.

110. MindGeek harnesses the data it compiles and analyzes to write scripts and specify details for the content it creates directly. The level of detail and overall

⁸⁰ Kal Raustiala & Christopher Jon Sprigman, *The Second Digital Disruption: Streaming and the Dawn of Data-Driven Creativity*, 94 N.Y.U. L. Rev. 1555, 1583 (2019), <https://www.nyulawreview.org/wp-content/uploads/2019/12/NYULawReview-94-6-RaustialaSprigman.pdf>.

⁸¹ Sam Harton, *The Porn Industry Leads Streaming Services In User Data Mining (UPDATED)*, My Tech Decisions (January 2, 2019), <https://mytechdecisions.com/compliance/the-porn-industry-leads-streaming-services-in-user-data-mining/>.

⁸² *Id.*

approach to MindGeek's content production illustrates the impact of MindGeek's analysis of user data on MindGeek's content creation process. MindGeek caters to fetishes and incorporates and highlights elements of the videos on its websites that data suggests are essential to success including illegal elements such as rape, child sexual abuse, and other non-consensual activity.

111. MindGeek's leadership has stressed that content choices -- including certain dialogue, sex acts, and particular positions and camera angles -- reflect the data mining of millions of views, which allows MindGeek to determine what variables produce the highest viewership, which is a way for MindGeek to capitalize on sharing profits from ads, downloads, and also to drive users toward purchasing premium subscriptions.

112. In addition, MindGeek generates titles and tags for video and image uploads and reviewers/moderators at MindGeek also edit titles and tags associated with videos and images on its websites. Tags are keywords to be associated with a video and will be referenced when users search the websites' video collection.⁸³ In MindGeek's own words, "Tags help to drive search results."⁸⁴

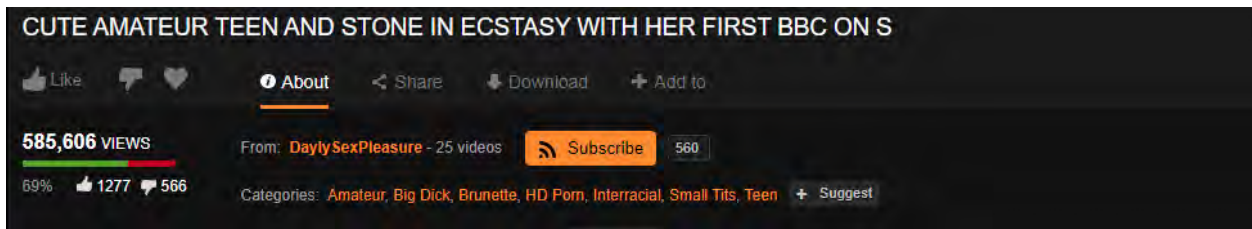
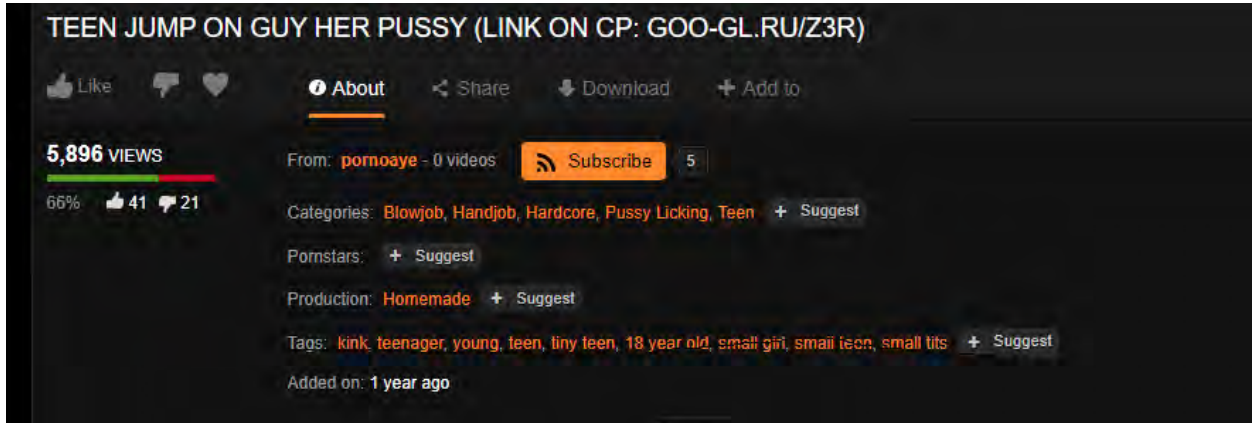
113. MindGeek knows that there is a demand for CSAM on their sites and they cater to this demand. Many of the tags, categories, and search suggestions that

⁸³ Pornhub, *What are Tags*, Help Center, [https://help.Pornhub.com/hc/en-us/articles/360044322674-What-are-tags-\(last visited Mar. 20, 2021\)](https://help.Pornhub.com/hc/en-us/articles/360044322674-What-are-tags-(last%20visited%20Mar.%202021)).

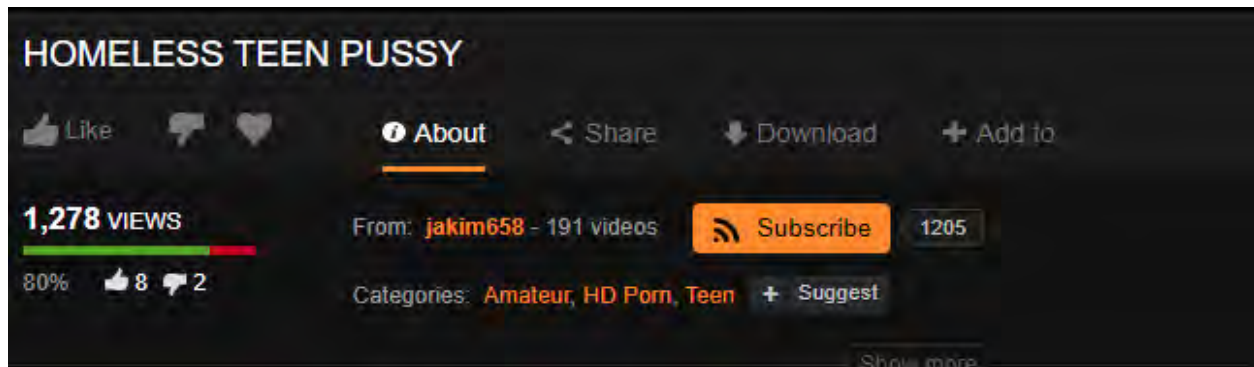
⁸⁴ *Pornhub Playbook*, *supra* note 27, at 14.

have been created or edited by MindGeek facilitate users seeking easy access to child pornography, child sex trafficking, or any other form of child sexual abuse material, including that depicting Plaintiffs.

114. One such tag MindGeek used to classify pornographic content on its websites was “Teen.” The suggested terms include “abused teen,” “crying teen,” “extra small petite teen,” and “Middle School Girls.”⁸⁵ Examples of taglines and categories created by MindGeek are below.



⁸⁵ See <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>.



115. In 2018, the word “teen” was the seventh most searched term on all of Pornhub.⁸⁶

116. Other eponymous search terms, including “rape,” “preteen,” “pedophilia”, “underage rape,” and “extra small teens,” would call up videos depicting the same.⁸⁷

117. The proliferation of these keywords and tags on the website ensures that when outside users Google these terms, Pornhub, or another MindGeek website, will be among the top results. This draws new users, even those searching the internet for illegal content, to MindGeek websites.

118. MindGeek’s aggressive data collection and traffic analytics mean that MindGeek knows exactly what users are looking for (and what exists) on their sites

⁸⁶ Pornhub, *2018 Year in Review*, Pornhub Insights (December 11, 2018), <https://www.Pornhub.com/insights/2018-year-in-review#searches>.

⁸⁷ Nicholas Kristof, *The Children of Pornhub*, N.Y. Times (Dec. 4, 2020), <https://www.nytimes.com/2020/12/04/opinion/sunday/Pornhub-rape-trafficking.html?searchResultPosition=1>.

and that this includes sex trafficking material and CSAM. For example, as the *New York Times* recently reported, as of December 4, 2020, a search for “girlunder18” led to more than 100,000 videos. And a search for “14yo” led to more than 100,000 videos and “13yo” led to approximately 1555,000 videos⁸⁸. MindGeek sought to capitalize on such traffic by allowing illegal search terms, creating suggested search terms, keywords, and tags.

MindGeek’s moderation policies and practices

119. Unlike other video websites like YouTube, MindGeek’s websites also include a download button to allow for the transfer of images and videos, including child sexual abuse material, allowing an undisclosed number of child pornographers, child sex traffickers, and pedophiles permanent access to and control over the material.

120. MindGeek maintains an offshore “moderation team” whose primary job is that of formatting content, internally they are referred to as formatters, but who are also tasked with reviewing uploaded videos to identify (but not necessarily reporting or blocking) anything “inappropriate,” including, but not limited to, child pornography videos.

121. There are essentially three categories of “inappropriate” videos that these individuals are tasked with identifying: (1) underage; (2) slightly underage and

⁸⁸ See <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>.

(3) non-minor inappropriate videos, such as bestiality videos or videos where someone is being murdered.

122. Workers at MindGeek report categorizing and tagging sex acts and fetishes, as well as viewing “suspicious” content, “from puppies being kicked to death, to child abuse, rape and incest.”⁸⁹

123. MindGeek’s philosophy is that if videos appeared to be “professionally made,” moderators were to assume that they were not child pornography and should not be flagged as inappropriate.

124. Moderators were instructed to assume MindGeek’s business partners, Channel Partners and Modelhub members, were abiding by the rules and to upload their content with little scrutiny.

125. Even where videos were acknowledged as CSAM-- or carrying illegitimate search terms -- MindGeek has sometimes just retitled these videos and has failed to remove them from being viewed or downloaded.⁹⁰

126. Despite the incredible volume of material being posted, MindGeek employs around ten people on this team at any given time throughout the day to review all MindGeek tube sites, including YouPorn, RedTube, XTube, Tube8, and

⁸⁹ Daily Mail, *Our job was to find weird excuses not to remove them': Pornhub moderators, who watched 1,200 videos A DAY, reveal lenient guidelines at the site being sued for \$80m for 'profiting from sex trafficking'*, (Dec. 17, 2020, 5:29 PM).

<https://www.dailymail.co.uk/news/article-9065059/Ex-Pornhub-moderators-reveal-life-inside-explicit-video-site-sued-80m.html>.

⁹⁰ Nicholas Kristof, *supra* note 81.

Pornhub. These people have no prior training, medical or otherwise, to identify whether someone depicted in a pornographic video is a child.

127. The ten individuals on the “moderation/formatting team” were each tasked by MindGeek to review approximately 800-900 pornographic videos per 8-hour shift, or about 100 videos per hour. According to Pornhub, there are approximately 18,000 videos uploaded daily, with an average length of approximately 11 minutes per video.⁹¹ Hence, each moderator is tasked with reviewing approximately 1,100 minutes of video *each hour*. This is an impossible task, and MindGeek knows that.⁹²

128. To compensate for and accomplish the impossible task, moderators/formatters fast-forward and skip through videos, often with the sound turned down. The problem is not resources: MindGeek’s annual revenues are at least \$500 million, and it could certainly hire and train more true moderators.

129. There is a yearly bonus system, based on the number of videos approved. This results in individuals fast-forwarding to the end of videos (or not reviewing them at all) and approving them, even if they depict sex trafficking of children.

⁹¹ See Pornhub, *supra* note 15.

⁹² See parlvu.parl.gc.ca/Harmony/en/PowerBrowser/PowerBrowserV2/20210205/-1/34697?Language=English&Stream=Video at 14:01.

130. The impossible conditions also result in low morale for the individuals tasked with reviewing videos. These moderators/formatters watch hours upon hours of demoralizing and disturbing videos, including child pornography.

131. When minor victims of sex trafficking and their representatives have contacted MindGeek to remove videos of them from its websites, MindGeek has refused to do so.

132. In some cases, MindGeek moderators/formatters even looked at video comments, deleted those noting a video constituted child pornography or otherwise should be removed from the system, and left the video up.

133. The MindGeek moderators/formatters are discouraged from removing illegal content for particularly profitable users. Generally, when an uploader has a history of highly viewed content, the employees are only permitted to send warning letters about illegal or inappropriate content.

134. Worse, not all of the moderators/formatters even have the authority to remove videos. Even when child pornography is reported, the video could only be removed by the “team leader.” There is an approximate backlog of five months between when a user reports a video and a “team leader” reviews it to determine whether to remove it. Thus, such videos would sit on MindGeek’s sites for five months, available for download and redistribution.

135. MindGeek was not registered with NCMEC to report as an electronic service provider until 2020⁹³. Thereafter, MindGeek, across all of its websites, submitted only 4,171 unique reports to NCMEC in 2020, which clearly underreported coming from a pornographic site when compared to a non-pornographic site like Facebook, which reported 20 Million CSAM instances to NCMEC in 2020.

136. MindGeek's failure to report to NCMEC has another consequence: even when they actually ban users for child pornography or rape, that user's data (and videos) are banned for only 90 days (unless MindGeek made a formal law enforcement report and was obligated to preserve that data). After 90 days, all data associated with the banned material and user is deleted leaving no ability for MindGeek to block the user from creating a new account and posting the same video again after 90 days.⁹⁴

137. MindGeek's policies, or lack thereof, incentivize its employees not to remove child pornography and other inappropriate content, and sometimes prevent them from doing so altogether.

⁹³ For the year 2020, MindGeek made only 13,229 reports of CSAM to NCMEC and then clarified in its 2020 "Transparency Report" that many were duplicates. Pornhub, *Transparency Report*, Pornhub Help Center, help.pornhub.com/hc/en-us/articles/1260803955549-Transparency-Report, (last visited Mar. 20, 2021).

⁹⁴ See, at para. 3.

<https://www.ourcommons.ca/Content/Committee/432/ETHI/Brief/BR11079307/br-external/MindGeek-e.pdf>

138. MindGeek's policies also allow and incentivize users to view, post, obtain, and trade illegal content in the first place.

139. MindGeek permits and encourages the use of VPN connections (less secure and less traceable connection) to create accounts, browse and process videos, including those containing illegal content, so as to keep the users' location and true identity private and anonymous.

140. MindGeek profits from encouraging VPN use, and in May 2018 launched its own VPN service. VPN not only disguises who is accessing the site, but permits banned users to re-enter the site and reuse the banned images or videos as well as the associated comments, tags, keywords etc.

141. MindGeek has both free and paid for VPN options which permits MindGeek to obtain all browsing data, including searches for banned terms, keywords, taglines, and associated comments. This data creates another avenue for MindGeek to capitalize and share in profits from selling the data and prime advertising spots.

142. As set forth in more detail above, MindGeek has signaled in a number of other ways to users, including sex traffickers, that illegal content will be tolerated and enabled on its sites, including: (1) lack of meaningful verification of identity, including user and video performer ages, (2) no attempt to obtain consent from all performers in the video, (3) no prohibition on user accounts having "managers," (4)

permitting downloads (inviting re-uploads of banned content), (5) permitting completely anonymous uploads, and (6) lack of other available safeguard processes.

143. MindGeek apparently stores a copy of all content on its servers, even CSAM, regardless of whether the content has been removed from public view.⁹⁵

144. Even when content has been removed at the request of NCMEC, MindGeek has continued to profit from this material by disabling the video or image but keeping the link to the video live with all of the associated metadata, keywords, comments, and tags so that this link will still appear in the search engine results for someone searching for this illegal material. The user is then led to Pornhub with the message that the video was removed, but there is also a message created by MindGeek suggesting “related videos” to further engage the viewer on their site. Additionally, this allows the video to continue to feed SEO as the tags, keywords, and title are still live on the site and continue to garner traffic.

145. In one instance, a prepubescent victim was anally raped in a video featured on Pornhub. The video was uploaded to the site three times. There is documented evidence the video was reported to Pornhub but Pornhub did not act

⁹⁵ David Tassillo, *Ethics Comm. Hearing No. 19*, at 01:43:32, Rev Services, (transcript available at https://www.rev.com/transcript-editor/Edit?token=pDJZXRxyq4VuaWS8iBgqv7QjFhGv59zMODLIIXeippTyog_pi8dUiKFUVlNM6_T7bLqE0XRIOVM68fXC6hPFOw8zd9k&loadFrom=DocumentDeeplink&ts=6212.05).

until NCMEC issued a take-down request. Even after Pornhub was forced to remove the video, it left the link, title, and tags on the site to continue to drive traffic⁹⁶.



146. MindGeek has hosted and is in possession of a surfeit of additional illegal content, including rape videos, child sexual abuse materials (CSAM),⁹⁷ videos produced through sex trafficking,⁹⁸ and nonconsensually shared pornography.⁹⁹

⁹⁶ See <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>.

⁹⁷ See Scott McDonald, *Florida Man Arrested After 58 Porn Videos, Photos Link Him To Missing Underage Teen Girl*, Newsweek (Oct. 23, 2019, 11:46 PM), <https://www.newsweek.com/florida-man-arrested-after-58-porn-videos-photos-link-him-missing-underage-teen-girl-1467413>.

⁹⁸ See Samantha Cole, *Girls Do Porn Employees Charged With Sex Trafficking, Potentially Face Life in Prison*, VICE (Oct. 11, 2019), <https://www.vice.com/en/article/qvgxvw/girls-do-porn-employees-charged-with-sex-trafficking-potentially-face-life-in-prison>.

⁹⁹ See Harriert Grant, *World's biggest porn site under fire over rape and abuse videos*, The Guardian (Mar. 9, 2020, 3:00 PM),

147. At least some of this content violates § 1591 and has been reported to MindGeek as such. That is, any content involving minors is per se sex trafficking, and any content produced through force, fraud, or coercion is also sex trafficking.

148. Because MindGeek has monetized all of the pornographic content, including those involving minors who are necessarily trafficking victims, on its site through Modelhub revenue, Modelhub tips, advertisements, data mining, and premium subscriptions,¹⁰⁰ it is facilitating and profiting from commercial sex acts.

D. SEX TRAFFICKING OF PLAINTIFF JANE DOE #1 VIA MINDGEEK

149. In 2018, when Jane Doe #1 was just sixteen years old, she was drugged and raped by a man in Tuscaloosa, Alabama.

150. The child sexual abuse and rape of Jane Doe #1 was filmed.

151. That same man entered into a business agreement or profit sharing relationship with MindGeek under its Modelhub program. Under the terms of that program, MindGeek and Jane Doe #1's rapist agreed to share profits from views and downloads of Jane Doe #1's victimization on MindGeek's websites.

152. MindGeek reviewed, categorized, tagged, optimized for user preferences, and disseminated the images, tags and videos depicting the rape and sexual exploitation of sixteen-year-old Jane Doe #1. One of the videos of Jane Doe

<https://www.theguardian.com/global-development/2020/mar/09/worlds-biggest-porn-site-under-fire-over-videos-Pornhub>.

¹⁰⁰ Modelhub, *surpa* note 61.

#1 had been viewed over 2,400 times since MindGeek added it to its websites in early 2018.

153. At no time did MindGeek or Pornhub attempt to verify Jane Doe #1's identity or age, inquire about her status as a victim of trafficking, or otherwise protect or warn against her traffickers before or while the video of her being raped, after she had been drugged, was sold, downloaded, viewed, advertised and otherwise monetized on Pornhub.

154. At least two videos that included Jane Doe #1 have been identified. One had a title that included the word "Lil" which is often used to signify youth.¹⁰¹

155. Videos of an adult engaging in sex acts with Jane Doe #1 while she was a minor were uploaded by a MindGeek official Modelhub member and disseminated through websites owned, operated and/or controlled by Defendants. Neither Pornhub, nor any other website, owned or operated by Defendant MindGeek attempted to verify Jane Doe #1's identity or age. As a result, child sex abuse material depicting Jane Doe #1 was distributed broadly throughout the world on Defendants' websites.

156. Jane Doe #1's experience is not unique to her. In a recent study conducted by the Canadian Centre for Child Protection, 67% of child sexual abuse survivors said distribution of their images impacts them differently than the hands-

¹⁰¹ *Lil*, Dictionary.com, <https://www.dictionary.com/e/slang/lil/> (last visited Mar. 20, 2021).

on abuse they suffered, because the distribution never ends and the images are permanent.¹⁰²

157. Jane Doe #1 has suffered from knowing the scope and extent of the distribution, production, possession and/or advertising of the videos of her.

158. Jane Doe #1 knows that because her videos have been downloaded, using the easy-to-find “Download” button that MindGeek placed on them, she is at risk that the video of her rape will be further disseminated -- even uploaded a second time to a MindGeek platform, under a different name or with different tags.

159. The broad dissemination of child sex abuse material depicting Jane Doe #1 has severely harmed Jane Doe #2, including financial, physical, emotional, and reputational harm.

160. Thus Jane Doe #1 is at present risk of further harm if video of her rape is further disseminated. Because of MindGeek’s practices, this is all too likely.

E. SEX TRAFFICKING OF PLAINTIFF JANE DOE #2 VIA MINDGEEK

161. Jane Doe #2’s sex trafficking began when she was just fourteen (14) years old.

162. When she was still a minor, a sex trafficker introduced Jane Doe #2 to individuals who produced sexually explicit videos. The trafficker forced Jane Doe

¹⁰² Canadian Centre for Child Protection, *Survivors’ Survey: Executive Summary 2017*, at 30 (2017), https://protectchildren.ca/pdfs/C3P_SurvivorsSurveyExecutiveSummary2017_en.pdf.

#2 to participate in the creation of sexually explicit videos that included adults engaging in sex acts with her. She was never paid for her participation in the production of these videos.

163. Videos of adults engaging in sex acts with Jane Doe #2 while she was a minor were uploaded and disseminated through websites owned, operated and/or controlled by Defendants, including, but not limited to Pornhub and Redtube.

164. At least four videos that included Jane Doe #2 being trafficked as a minor have been identified. For Jane Doe #2's privacy and safety, Plaintiffs will be moving for leave to file the names of those videos with the Court under seal.

165. The videos depicting Jane Doe #2's child abuse were uploaded by a Pornhub official Content Partner with whom MindGeek had a continuous business relationship for years which included profit sharing, promotion, advertising and the benefit of little to no scrutiny by MindGeek moderators.

166. These videos remained on MindGeek's websites for at least four (4) years and were available for view and download all around the world and within the United States and the state of Alabama. On information and belief, residents of Alabama downloaded videos of Jane Doe #2's rape from MindGeek websites.

167. Pornhub is one of the most trafficked websites in the world, in 2019 it garnered more traffic than tech giants Amazon and Netflix¹⁰³. Alabama ranks second among all states for longest time spent on Pornhub per visit, time spent at least in part, viewing videos of Jane Doe #2's rape. MindGeek boasts 115 million daily visitors to its websites and 3 billion ad impressions from "dozens of millions of daily visitors"¹⁰⁴ including visitors from Alabama which garnered ad revenue for MindGeek for years from viewing Jane Doe #2's abuse. On information and belief, in these ways, Defendants have profited specifically from people in Alabama viewing videos of Jane Doe #2's rape.

168. Neither Pornhub, nor any other website, owned or operated by MindGeek undertook any measure to verify Jane Doe #2's identity or age. As a result, child sex abuse material depicting Jane Doe #2 was distributed broadly throughout the world on Defendants' internet platforms until at least Spring 2020.

169. Jane Doe #2 continues to be traumatized, every single day, by MindGeek, whose platform is being used to permit the continued and repeated dissemination of these horrific videos for sexual gratification and for profit.

¹⁰³ See <https://businessinthenews.co.uk/2020/07/19/Pornhub-receives-more-website-traffic-than-amazon-and-netflix-new-research-reveals/#:~:text=Tech-,Pornhub%20receives%20more%20website%20traffic,and%20Netflix%2C%20new%20research%20reveals!&text=A%20new%20report%20reveals%20the,social%20media%2C%20ecommere%20to%20entertainment!&text=Adult%20entertainment%20site%20Pornhub%20receives%20more%20traffic%20than%20Amazon%20%26%20Netflix!>

¹⁰⁴ See <https://www.mindgeek.com/>.

170. Jane Doe #2 is aware of the scope and extent of the distribution of the videos of her, as well as the breadth of the MindGeek network.

171. Jane Doe #2 knows that because her videos have been downloaded, using the easy-to-find “Download” button that MindGeek placed on them, she is at risk that the video of her trafficking will be further disseminated -- even uploaded a second time to a MindGeek platform, under a different name or with different tags.

172. The broad dissemination of child sex abuse material depicting Jane Doe #2 has severely harmed Jane Doe #2, including financial, physical, emotional, and reputational harm.

173. As described above, MindGeek’s moderation/formatting team is inadequate, and the company has frequently permitted the re-uploading of illicit videos.

174. Thus Jane Doe #2 is at present risk of further harm if video of her is further disseminated. Because of MindGeek’s practices, this is all too likely.

F. JANE DOES #1 AND 2 AND MEMBERS OF CLASS CONTINUE TO SUFFER IRREPARABLE HARM

175. Class members, including Plaintiffs, remain at risk of irreparable harm due to Defendants’ failure to enact and enforce appropriate and sufficient policies, procedures, and processes for the prevention of child pornography from being added to Defendants’ sites.

176. On behalf of the Class and themselves, Plaintiffs seek injunctive and equitable relief requiring the Defendants to identify and remove child pornography and implement corporate-wide policies and practices to prevent continued dissemination of child pornography or child sex trafficking.

177. Because of the insidious nature of child sex trafficking and child pornography, all of this relief is necessary to protect the present and future interests of Plaintiffs and Class members.

CAUSES OF ACTION

COUNT I:

BENEFITING FROM A SEX TRAFFICKING VENTURE IN VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT, 18 U.S.C. §§ 1591 AND 1595 (Plaintiffs and the Class Against All Defendants)

178. Plaintiffs reallege and incorporate by reference all prior and subsequent paragraphs as if fully incorporated herein.

179. Defendants knowingly used the instrumentalities and channels of interstate and foreign commerce to facilitate violations of 18 U.S.C. §§ 1591(a)(1) and 1595(a), occurring within the territorial jurisdiction of the United States.

180. Defendants' conduct was in, or affected, interstate and/or foreign commerce.

181. Defendants knowingly benefited from participation in what they knew or should have known was a sex trafficking venture, in violation of 18 U.S.C. §§

1591(a)(2) and 1595(a).

182. Defendants monetize content on their platforms through user-focused products and services, such as advertisements and data collection as well as share profits with and make direct payments to child traffickers via their Modelhub program, Content Partners, and otherwise.

183. Defendants' ability to monetize their platforms is directly related to the number of users who visit and view content on their platforms. The number of users using Defendants' platforms are inherently valuable to Defendants, and directly affects their ability to draw revenue from their platforms, and share it with traffickers.

184. Defendants knowingly benefited from, and/or received something of value for their participation in the venture, in which Defendants knew, should have known, or were in reckless disregard of the fact that the Plaintiffs and other Class members were engaged in commercial sex acts while under the age of eighteen.

185. Defendants' employees and agents had actual knowledge that they were facilitating and participating in a scheme to profit from the commercial sex acts of minor children.

186. Defendants' acts, omissions, and commissions, taken separately and/or together, outlined above, constitute a violation of 18 U.S.C. §1595.

187. Defendants' conduct has caused class members including Plaintiffs

serious harm including, without limitation, physical, psychological, financial, and reputational harm.

COUNT II:
RECEIPT AND DISTRIBUTION OF CHILD PORNOGRAPHY, 18
U.S.C. § 2252 and 2252A
(Plaintiffs and the Class Against All Defendants)

188. Plaintiffs reallege and incorporate by reference all prior and subsequent paragraphs as if fully incorporated herein.

189. Defendants knowingly received, possessed, and distributed child pornography depicting Class members including Plaintiffs, violating 18 U.S.C. §§ 2252 and 2252A.

190. Defendants also duplicated and distributed new child pornography depicting Class members by creating and hosting new “thumbnail” images from existing videos of Class members.

191. Defendants’ receipt, possession, and distribution of child pornography occurred in or affected interstate or foreign commerce.

192. As a proximate result of Defendants’ violation of 18 U.S.C. §§ 2252 and 2252A, Class members, including Plaintiffs, suffered serious harm, including physical, psychological, financial, and reputational harm.

193. Defendants’ conduct was malicious, oppressive, or in reckless disregard of Plaintiffs’ rights and Class members’ rights. They are entitled to

injunctive relief, compensatory and punitive damages, and the costs of maintaining this action. 18 U.S.C. § 2252A(f).

CLASS ACTION ALLEGATIONS

194. Plaintiffs Jane Does Nos. #1 and #2 bring this action under to Federal Rules of Civil Procedure 23(b)(2), (b)(3), and 23(c)(4), on behalf of themselves and the following “Class”:

All persons, who were under eighteen years of age at the time they were depicted in any video or image, (1) in any commercial sex act as defined under 18 U.S.C. §§ 1591 and 1595, or (2) in any child pornography as defined under 18 U.S.C. § 2252A, that has been made available for viewing on any website owned or operated by the Defendants.

195. Plaintiffs reserve the right to seek leave to modify this definition, including the addition of one or more subclasses, after having the opportunity to conduct discovery.

196. Numerosity: The Class consists of thousands of people, making joinder impracticable, in satisfaction of Fed. R. Civ. P. 23(a)(1). The exact size of the Class and the identities of the individual members of the Class cannot be known. However, based on the statistics showing that tens of millions of reports of abuse

have been made to NCMEC and Defendants' status as the largest distributor of pornography in the United States with no adequate age verification, there is no issue establishing the numerosity requirement.

197. Typicality: Plaintiffs' claims are typical of the claims of the other members of the Class that they seek to represent. The claims of the Plaintiffs and the other members of the Class are based on the same legal theories and arise from the same unlawful pattern and practice of Defendants' sex trafficking. Plaintiffs, like all members of the Class, were victimized by Defendants profiting from videos depicting Plaintiffs in commercial sex acts or child pornography which Defendants knew, or should have known, were filmed while they were minors.

198. Commonality: There are many questions of law and fact common to the claims of Plaintiffs and the other members of the Class, and those questions predominate over any questions that may affect only individual members of the Class, within the meaning of Fed. R. Civ. P. 23(a)(2). Additionally, class treatment of common issues under Fed. R. Civ. P. 23(c)(4) will materially advance the litigation. Common questions of fact and law affecting members of the Class include, but are not limited to, the following:

- a. Whether videos depicting minors in commercial sex acts or child pornography appear on Defendants' platforms;
- b. Whether Defendants profited from videos depicting minors in commercial sex acts or child pornography appearing on Defendants' platforms;
- c. Whether Defendants' internal controls were adequate to stop videos depicting minors in commercial sex acts or child pornography from appearing on Defendants' platforms;
- d. Whether Defendants knew or should have known that videos depicting minors in commercial sex acts or child pornography appear on Defendants' platforms;
- e. Whether Defendants' conduct constitutes sex trafficking, dissemination of videos depicting minors in commercial sex acts or child pornography, or child exploitation in violation of 18 U.S.C. §§ 1591, 1595, and 2252A; and
- f. The scope of the injunctive relief and damages to which the Plaintiffs and members of the Class are entitled.

199. Adequacy: Plaintiffs will fairly and adequately protect the interests of the Class. Plaintiffs' interests and the interests of all other members of the Class are identical, and Plaintiffs are cognizant of their duty and responsibility to the Class. Accordingly, Plaintiffs can fairly and adequately represent the interests of the Class. Moreover, Plaintiffs' counsel are competent and have a wealth of experience litigating claims regarding sex trafficking and exploitation of minors, complex commercial litigation, and class actions. Plaintiffs and counsel intend to vigorously

prosecute this case and will fairly and adequately protect the Class' interests. Neither Plaintiffs nor their counsel have any interests adverse to those of the other members of the Class.

200. Equitable relief: Class certification is appropriate under Rule 23(b)(2) because Defendants have acted and refused to act on grounds generally applicable to the Class as a whole, such that final injunctive relief is appropriate with respect to the Class as a whole. The nature of the relief sought is described in this Complaint.

201. Absent a class action, most of the members of the Class would find the cost of litigating their claims to be cost-prohibitive and will have no effective remedy. Class treatment of common questions of law and fact is also superior to multiple individual actions or piecemeal litigation, in that it conserves the resources of the courts and the litigants and promotes consistency and efficiency of adjudication. Finally, Class treatment would minimize the trauma that Class members would experience as a result of litigating their claims on an individual basis, and further promotes the remedial purposes of the federal statutes under which the claims are brought.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, individually and on behalf of the Class, respectfully request that the Court enter a judgment on their behalf and against Defendants, and further grant the following relief:

- A. Certify the proposed Class pursuant to the Federal Rules of Civil Procedure Rule 23(a), (b)(2), (b)(3) and (c)(4);
- B. Designate Plaintiffs as representatives of the proposed Class and Plaintiffs' counsel as counsel for the Class;
- C. Award injunctive or any other equitable relief, to Plaintiffs and the Class, requiring the Defendants to identify and remove child pornography and implement corporate-wide policies and practices to prevent continued dissemination of child pornography or child sex trafficking, including but not limited to:
 - 1) Every person appearing in every video must be appropriately verified as age and consent.
 - 2) Defendants must use facial recognition technology to verify consent and account owner and to ensure no reupload of nonconsensual or illegal material.

- 3) Defendants must remove all images and videos of Plaintiffs and Class members from their platforms and archive it for use in this litigation.
- 4) Defendants must timely respond to all reports of child pornography, and immediately report them to the appropriate child protection agency.
- 5) Defendants should disable the “Download” button on videos so that it is not as easy for sex traffickers to disseminate videos of Plaintiffs, causing future harm.
- 6) Defendants must use automated hash technologies to proactively scan for known CSAM, including marking their own, including Plaintiffs and class members’ rapes. Defendants should consistently check hash values against all databases available, including but not limited to the Shield by Project Arachnid databases maintained by the Canadian Centre for Child Protection and the National Center for Missing and Exploited Children.

- 7) Defendants should send all government IDs that have been associated with any video or account to the databases maintained by States and the United States, including the FBI and the National Center for Missing and Exploited Children, so that sex offenders can be identified and sex-crime victims can be protected.
- 8) Defendants must use human moderators to screen each video and image for child pornography or trafficking of minors before this material is made available to the public.
- 9) Defendants should adequately train individuals tasked with screening videos and images on identifying potential child pornography or trafficking.
- 10) Defendants should employ standards for screening for child pornography.
- 11) Defendants should promptly terminate any employees who have failed to fairly moderate material.

- 12) Defendants should adequately staff their moderation/formatting teams tasked with screening videos and images so that all videos are screened in their entirety.
- 13) Defendants should end the employee bonus program that is based on the raw number of videos approved per year.
- 14) Defendants should ban individuals who have uploaded child pornography or trafficking videos or images from having the ability to upload anything to a website owned, controlled, or operated by Defendants ever again.
- 15) Defendants should limit the number of hours moderators or employees can review videos and images on a daily basis, so as to reduce the incidence of “employee burnout” or turnover relating to the traumatic nature of the work.
- 16) Defendants should refuse to publish videos and images that have been flagged or are suspected of containing child pornography or trafficking.
- 17) Defendants should immediately send all videos and images with suspected or confirmed child pornography or trafficking to the

appropriate child protection agency, such as NCMEC or the Canadian Centre for Child Protection, along with all information available to identify perpetrators or victims.

- D. Award all available damages including but not limited to compensatory and punitive damages in favor of Plaintiffs and the Class; and
- E. Award Plaintiffs and the Class prejudgment interest, costs and attorneys' fees;
- F. Require restitution and disgorgement of all profits and unjust enrichment obtained as a result of Defendants' unlawful conduct; and
- G. Retain jurisdiction of this matter to ensure all forms of relief it deems appropriate.

JURY DEMAND

Plaintiffs hereby demand a trial by struck jury.

Respectfully submitted,

/s/ Gregory Zarzaur

Gregory Zarzaur (ASB-0759-E45Z)

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Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify on this 23rd day of July, 2021, this document was filed through the Electronic Case Filing System of the United States District Court for the Northern District of Alabama and will be served electronically by the court to all participants of record.

/s/ Gregory Zarzaur
Gregory Zarzaur

EXHIBIT 1

Pornhub › Model Payment Program › Managing Your Account And Videos

Modelhub and Selling Videos

- Getting Started ›
- Managing Your Account And Videos ▾
 - Modelhub and Selling Videos
 - Troubleshooting and Issues
 - Setting Up Your Profile
 - Earnings and Payments
 - Video Uploads
- Optimizing Your Account ›

^ What is Modelhub and how does it work?

Modelhub is a clip site designed for models from the ground up, powered by Pornhub.

That means you can now sell your content directly from your Pornhub account.

Since Modelhub is fully integrated, you will use the Pornhub account you already have.

To start making money on Modelhub, you have a couple of options:

1. Upload new videos to Modelhub, available for purchase only (no free streaming)
2. The content you have for sale on Modelhub can also appear on Pornhub Premium for a higher RPM than the usual Model Program rate
3. Set a price to charge for downloads on any of your free-to-stream content that's currently on Pornhub
4. Switch your Modelhub videos to free-to-stream at any time to start earning the regular Model Program rate
5. Sell subscriptions to your content with Fan Clubs
6. Take custom clip requests

We'll have lots of new stuff for you soon, including a merch store for selling physical goods. Stay tuned.

Keep 65% of your video sales (80% - 15% processing fee)

Keep 65% of your custom video sales.

Keep 80% of your tips (95% - 15% processing fee)

Keep 80% of your Fan Club subscription revenue.

Modelhub also supports 4K uploads, so get your best stuff out there.

Questions? Hit us up: models@pornhub.com

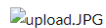
^ Selling videos on Modelhub?

Sweet. You're signed up for Pornhub and you've monetized your videos on there already.

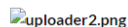
Now, how do you make even more money from your videos?

Easy - sell videos to your fans. Here's how it works:

Choose Upload from the Pornhub header:

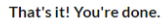
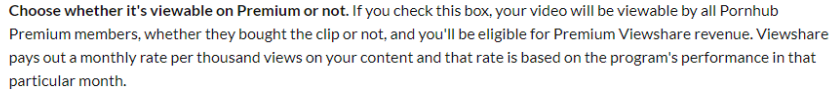


Upload your video, and choose "For Sale" as the Privacy Setting:



Choose your price. (between \$1 and \$150 USD)





You can change your videos from For Sale to Free at any time. Remember that your Free videos will still earn ad revenue from free viewers on Pornhub.

4K uploads are fully supported!

When selling your videos, the **rules** are a little bit different. Make sure that none of your vids will get taken down, by checking out the **rules and regulations**.

Just like your free videos, there are rules about phrasing in titles when you're selling videos.

Due to payment processor regulations, the rules are a bit stricter.

Here's a list of words you can't use in your video titles. Also, if your videos contain any content that matches these descriptions, they'll be taken down as well.

List of banned words:

1 year old
1 years old
10 year old
10 years old
11 year old
11 years old
12 year old
12 years old
13 year old
13 years old
14 year old
14 years old
15 year old
15 years old
16 year old
16 years old
17 year old
17 years old
2 year old
2 years old
3 year old
3 years old
4 year old
4 years old
5 year old
5 years old
6 year old
6 years old
7 year old
7 years old
8 year old
8 years old
9 year old

6 year old
7 year old
7 years old
8 year old
8 years old
9 year old
9 years old
Adopt
Adopted
Adoption
Adopts
Animal
Animals
asleep
asphyxiate
asphyxiated
asphyxiates
asphyxiating
asphyxiation
Beast
Bestial
bestialism
bestiality
bestliness
Bestial
bestiality
Blackmail
Blackmailed
Blackmailer
Blackmailers
Blackmailing
Blackmails
bled
bleed
bleeding
bleeds
blood
booze
brother sister
brutal
brutalisation
brutality
brutalization
brutalize
brutalized
brutalizes
brutalizing
brutally
btoher
caca
child
childhood
childlike
children
chld
chloroform
chloroformed
chloroformic
chloroforming
chloroformism
chloroforms
Chlorophormic
coprophilia
coprophiliac
coprophilic
coprophilism
coprophilous
daddy
daddy brother
daddy daughter
daddy sister
daughter brother
deepfake
deepfakes
drug
drugged
drugging
drugs
drunk
drunken
Drunkness

deepfakes
drugs
drugging
drugs
drunk
drunken
Drunkeness
drunkenly
drunkenness
Drunks
Extreme Bondage
Extreme Pain
Faded
father brother
father daughter
father sister
force
forceable
forced
forcedly
forceful
forcefully
forcer
forces
forcible
forcing
forcingly
gangrape
gangraped
Hypno
hypnosis
hypnotism
hypnotize
hypnotized
hypnotizes
hypnotizing
incapacitate
incapacitated
incapacitates
incapacitating
incapacitation
incest
incestuous
incestus
infancy
infant
infanthood
Infantile
infantilization
infantlike
infants
intoxicable
intoxicate
intoxicated
intoxicates
intoxicating
intoxication
intoxicative
intoxicator
kid
kid fucking
kid fucks
kid porn
kid sex
kiddie
kiddy
kids
Liquored
Little Boy
Little Boys
Little Girl
Little Girls
little kid
little kids
lolita
Lolitas
Minor
molest
molestation
molested
molester

lolita
Lolita
Minor
molest
molestation
molested
molester
molesting
molests
murder
murdered
murderer
murdering
murders
mutilate
mutilated
mutilates
mutilating
mutilation
mutilator
necromania
necrophile
necrophilia
necrophiliac
necrophilic
necrophilism
paedo
paedophile
paedophilia
paedophiliac
pass out
passed out
Passes out
passing out
pedo
pedofilia
pedophile
pedophilia
pedophiliac
Poop
preteen
preteens
puke
puked
pukes
puking
punishbox
quasi-unconscious
r.a.p.e
rapable
rape
rapeable
raped
raper
rapes
raping
rapist
scat
school kid
sedate
sedated
sedately
sedateness
sedates
sedating
sedation
Shit
slave
sleep
sleeping
sleeps
sleepy
slept
small kid
Teeny Bopper
Teeny-bopper
Teenybopper
tentacle
Tentacled
tentacles
Topsy
Twin

Teeny-bopper
tentacle
Tentacled
tentacles
Tipsy
Twin
Twins
unconscious
unconsciously
unconsciousness
under 1 boy
under 1 girl
under 1 porn
under 1 sex
under 10 boy
under 10 girl
under 10 porn
under 10 sex
under 11 boy
under 11 girl
under 11 porn
under 11 sex
under 12 boy
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under 6 sex
under 7 boy
under 7 girl
under 7 porn
under 7 sex
under 8 boy
under 8 girl
under 8 porn
under 8 sex
under 9 boy
under 9 girl
under 9 porn
under 9 sex
under age
under aged
underage
underaged
unwilling
unwillingly
unwilliness

under y sex
under age
underage
underaged
unwilling
unwillingly
unwillingness
vomit
vomited
vomiting
vomits
Wasted
year kid
young kid
420
blunt
bowl
bud
buds
buddha
buzz
cess
chronic
cones
drugs
drugs,haze
grass
haze
herb
joint
kush
kush,bud
kush,mary jane,haze,stoned
mary jane
mary jane,haze
pot
speed
speed,haze
stoned
weed

^ Modelhub rank and Top Earners

On your profile page, you'll see a number at the top left marked "Modelhub Rank."

16	467,518
Modelhub Rank	Subscribers

Your Modelhub Rank is calculated on a daily basis. It is an algorithm that takes into account a combination of how you are performing with your Modelhub sales (including Video Sales, Tips, Fan Club Subscriptions and Custom Video sales) as well as how active you are on your profile and uploading new content. Previews of your videos on Modelhub will also help your Modelhub Rank. You will receive a rank as soon as you have earnings of any of those products, and your rank will increase the more that you sell.

The Top 20 Earners on Modelhub for a given month will earn a cash bonus.

The Top Earners ranking is based purely on sales for the given month. For example, the Top Earner for November is whoever made the most sales (in dollars) for the month of November. This ranking is separate from your Modelhub Rank.

Check your Top Earner status on your [Modelhub Settings page](#).

Being part of the Model Program also makes you eligible to win Monthly and Annual Awards and participate in our Model contests.

^ Upcoming Modelhub features

We're always working on new tools and features to help you succeed.

Here's just a small taste of what we have coming up for you:

Video Sorting (On Model Profile Page on Modelhub)

Your fans will have improved sorting tools, which will help them find the exact video they wanna buy.

Video Manager Upgrades

We're building advanced tools for your video manager to help you filter and sort your content, and improving the range of

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Your fans will have improved sorting tools, which will help them find the exact video they wanna buy.

Video Manager Upgrades

We're building advanced tools for your video manager to help you filter and sort your content, and improving the range of stats and metrics you'll see. You'll also be able to create coupon codes, and give a specific user free access to a paid video (if you want to!)

Modelhub Rank

We're implementing a full Modelhub ranking system, so you'll have a better idea of how your content is performing.

Modelhub Stats

Expect lots of detailed metrics like video views, ranking, revenue, and tons more.

^ Video views on Modelhub

The views you see on your Modelhub videos are different than on your Pornhub videos.

On Modelhub, the "views" you see are video previews, meaning users who watched the short preview of your for-sale clip. These previews don't earn any ad revenue like views on Pornhub do.

If you also allowed your Modelhub video to be viewed on Pornhub Premium, you will earn revenue for each time your video is viewed by a Premium user. Those earnings will be broken down in your [Earnings tab](#). More on Viewshare [right here](#).

Please note that on Modelhub, you only get paid when someone buys your video or sends you a tip - you won't make any money for previews.

Was this article helpful?

0 out of 0 found this helpful



EXHIBIT 2

Porn **hub**
MODEL
PAYMENT
PROGRAM

How to
Succeed

VIDEO SPECS



Basic Video Specs

Accepted File Formats:

AVI, WMV, MP4, MPG or MOV

Maximum File Size: 10GB

Optimal Frame Rate: 30-60 FPS

Bitrate: Min 1500 kb/s

Recommended 8000 kb/s

Aspect Ratio: 16:9 Widescreen

Video Resolution: Recommended

1920 x 1080



Additional VR Specs

Projection Type:

Equirectangular 360, Equirectangular

180, Equidistant 180 3D or 2D

Over-Under-LR, Over-Under-RL, Side-

By-Side-LR, Side-By-Side-RL

Bitrate: Min 1500 kb/s Recommended

12,000 kb/s

Video Resolution: Recommended 2160p

(1080 Per Eye)



Aspect Ratio

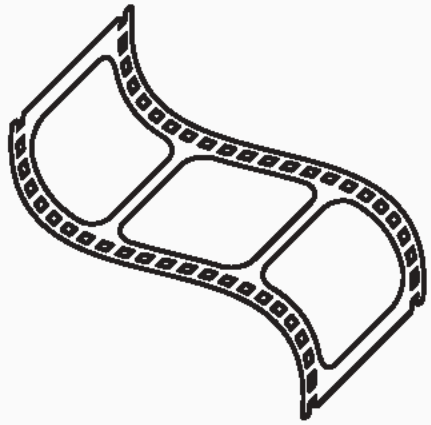
Upload content in either landscape (16:9) or portrait (9:16)

When editing videos that are filmed in portrait, do not add in a pre or post roll that is 16:9. Doing so would add black bars around your video

When filming with a phone, film in landscape!

Do not start in portrait and then flip halfway though.

VIDEO QUALITY



Size Matters

Videos over 10 minutes are more likely to get featured and make more money.

Make sure your video has a beginning, middle and end! Videos without a cumshot/orgasm tend to leave viewers unsatisfied and can lead to lower ratings



Visuals

Use good lighting and a camera with decent resolution to catch all the sexy action

Make sure your camera is stable and in focus



Audio

Users want to hear the action as well, so make sure to have quality audio

Only use royalty free music, or music that you have licensed in your videos

For more tips on equipment and editing, check out the How to Succeed section of our helpdesk!

help.pornhub.com

HOW TO UPLOAD A VIDEO



Click the Upload Button and select the video you want to upload



Verify that you are in the video



Give your video effective and accurate metadata
Use up to 16 tags and 8 categories



Choose when the video will go live (either a future date or as soon as the video is done encoding)



Save and stay on the page until you get a notice saying the video has been uploaded successfully

Orientation

Straight

Verify user

Yes

Choose a Production

Homemade

Privacy Settings

Public

When will this be published

Schedule Date

Date

2020-01-10

Time

06:00:00 AM

Title

Enter a captivating and unique title for your video.

Blonde Masturbates and has Epic Squirt Orgasm on the Bed

19 characters remaining

Original Title Language

English

Tags

Select up to 16 tags that represent your video. Be sure to use commas to separate them and then press the Add Tag button or use our handy autocomplete with popular tags to choose from.

Separate tags with commas

Submit

10 tags remaining, minimum 2 tags are mandatory

masturbate solo blonde petite dildo dirty talk

Language Spoken in Video (Optional)

English

Pornstar (Optional)

4 pornstar remaining

Save



My hottest video to date.mp4

Video uploaded successfully!

Your video will be live at:
https://www.pornhub.com/view_video.php?viewkey=

WHAT PRIVACY TO CHOOSE



Ad Revenue Video

Public, **Private** (only your Friends can see the video) or **Unlisted** (only those with the direct link can see the video). You can add a download price to the video in your video manager post upload.



For Sale Video

For Sale
Choose a price between \$0.99-\$150
Choose if the video will be viewable on Premium for a Viewshare RPM.
If you don't have one already, this will create a Modelhub profile for you



Fan Club

Fan Only
Your video (or album) will only be visible to active members of your fan club

EFFECTIVE METADATA



DO

- Use up to 16 tags that describe the video, performers, fetish, action and cumshot
- Select up to 8 relevant categories
- When applicable, use niche specific categories to ensure your content is visible to the right fans
- Write a creative title that describes the scene
- Add your stage name to the title of your video



DON'T

- Don't use the minimum amount of tags/categories available
- Do not tag/categorize/title your content with actions/story lines that are not present in the video. This could lead to removal of earnings

Auto Categories

All model videos will receive the Verified Model (professional models) or the Verified Amateur (amateur models) category post upload.

If you are an exclusive model, your video will also receive the Exclusive category automatically

Top Searches

You can find a list of the top search terms on Pornhub on our helpdesk!
help.pornhub.com

Are you a Pornstar?

If you are a professional model and have a Pornstar page, make sure to tag yourself in your video! If you do not have a Pornstar page, email us to see if you are eligible!




VIDEO MANAGER

For Sale Videos

- Change the video to an Ad Revenue video by changing the privacy to Public
- Ability to add the video to Pornhub Premium for a viewshare RPM (or remove the video from Pornhub Premium)
- Made a mistake? You can edit the title of your video
- Add or edit your video description
- Add, schedule or remove a discount code
- Remember to save any of your changes!

Ad Revenue Videos

- Change the privacy of the video to Private or Unlisted (if your video is featured, you will have to contact Model Support to change the privacy)
- Made a mistake? You can edit the title of your video
- Add a download price for the video
- Remember to save any of your changes!



GFE Fucking Me POV 27 views

Categories: Babe, Big Tits, Blonde, Pornstar, Reality, POV, Verified Models, Tattooed Women

Pornstars: Arwen Datnoid

Tags: big boobs, point of view, pov, pov fuck, pov missionary, gfe, gf experience, pov gf experience, big natural tits, big natural boobs, tattoos big tit contact

Settings View Stats Change Thumbnails Add to Playlist Add Action Tags

PRIVACY SETTINGS **PRICE (\$ USD)**

For Sale 14.99 ☒ VIEW ON PREMIUM ⓘ

TITLE 75 characters

GFE Fucking Me POV

DESCRIPTION 1371 characters

This video will blow your mind! Get the girl friend experience with your favorite tatted babe. ON SALE until the end of January!

DISCOUNT% **DATE START** **DATE END**

10% 2019-01-20 X 2019-01-31 X X REMOVE DISCOUNT

Settings View Stats Change Thumbnails Add to Playlist Add Action Tags

PRIVACY SETTINGS

Public

ALLOW DOWNLOADS? **DOWNLOAD PRICE (PRICE MUST BE BETWEEN \$0.99-150 USD)** ⓘ

Yes, with payment 3.99

ⓘ This video will remain on Pornhub for Ad Revenue, but will add a fee to download. This video will also be available on Modelhub for purchase.

VIDEO MANAGER CONTINUED

Thumbnails

In your video manager your can choose a thumbnail from one of the 16 pre-generated images.

If you want more options, you can click on Regenerate Different Thumbnails

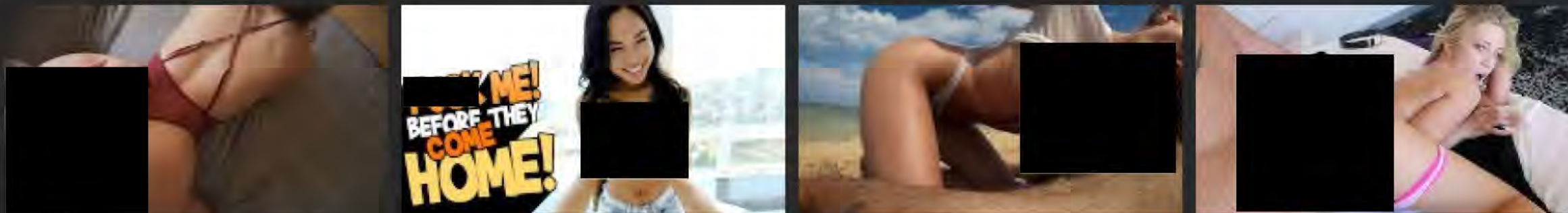
You can also upload a custom thumbnail (if the video is For Sale or has a download price)

The custom thumbnail needs to be 640x360

The action present in the custom thumbnail needs to be present in the video

If you are going to include text in the thumbnail, make sure that it covers no more than 2/3 of the image

Thumnails that are clear and show sexy action perform better!



Action Tags

Action tags are action specific tags that are time stamped. This helps users get to the action that they want to see.

Playlists

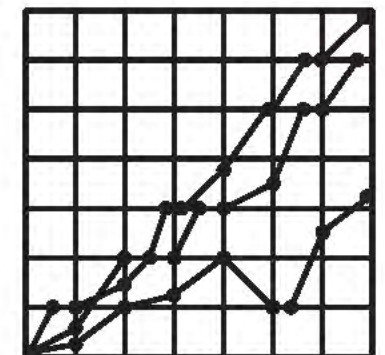
You can add videos to playlists.

We recommending building themed playlist with all of your content (ex: a playlist with all of your anal videos, a playlist with all of your POV videos)

Stats

On your video manager you will also find the following stats for each video:

Views
Sales
Votes
Favorites
Comments
Playlist Additions



CUSTOM VIDEOS

You have control of what you want to offer in your custom videos, and for what price.

Add a description, base price, duration options, quality options, actions and turn around time along with the additional charge for each.

The defaults included for custom videos are the duration of 5 minutes and the turn around time of 3-4 weeks.

You can add any extra options for free (\$0) or with an additional charge.

When you have a custom video request, you will receive a notification and an email asking you to approve or deny the request.

Once the request is approved, we will send reminder emails to ensure the video is completed in time!

You can upload your finished custom video by clicking on Review button next to the custom video order.

pornhub.com/model/modelhub/custom

Order A Custom Video From Jane Doe

Description

Hello, and thank you for viewing my order form! This is the form for BG/couple content.

"Say my name" is available for people who purchase Exclusive viewership to the video! Please state in the video description if you would like for your name to be said.

You are handing over rights to the video once it is made. I will redistribute the video as I see fit. If you would like the video to remain exclusive for your eyes only, there is an additional option for this, but you still may not redistribute this video. I retain rights over all videos I create.

Producer Notes *

1500 Characters Left

Please describe the scene of your fantasies.

Base Price \$300.00

Film Duration *

- ☒ 5 minutes Included
☐ 10 minutes Included

Resolution *

- ☒ Standard (included) Included
☐ HD 720 Included
☐ HD 1080 Included
☐ 4K \$100.00

Delivery Time *

- ☒ 3-4 weeks (included) Included
The delivery time will be calculated once the model accepts your order, up to 7 days after your request is submitted.

Extras

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Anal \$100.00 | <input type="checkbox"/> Ass Worship \$50.00 | <input type="checkbox"/> Armpit Fetish \$25.00 |
| <input type="checkbox"/> Creampie Included | <input type="checkbox"/> Cum on Face Included | <input type="checkbox"/> Cum in Mouth Included |
| <input type="checkbox"/> Cum on Tits Included | <input checked="" type="checkbox"/> Wear a collar and or leash \$25.00 | |

Tip

25

Total \$550.00

Checkout

SETTING UP YOUR FAN CLUB

Models can create paid subscriptions, called Fan Clubs, that your fans and customers can sign up for. There's a monthly fee for the customer, and it gives them access to extra discounts, fan only content, messaging, and more.

You're 100% in control of what's included in the Fan Club, and at what price. Give your fans videos, photos, discounts, full access to all of your for sale videos, or anything else you can think of.

You can disable your Fan Club at any time so no new Fans can follow you. Fans who are already subscribed will continue to renew.

Set the price that you want members to pay per month to access your Fan Club (between \$0.99-\$150). Then choose what your Fan Club is going to include.

You can add Other Perks that we don't currently have listed, as long as it is legal!

Fan Club

PRICE (\$ USD) * ⓘ

UNLOCK ALL PAID VIDEOS * ⓘ

UNLOCK PAID DOWNLOADS ON ALL FREE VIDEOS * ⓘ

FAN ONLY DISCOUNT * ⓘ

DISCOUNT%

FAN ONLY VIDEOS * ⓘ

FAN ONLY PHOTOS * ⓘ

FAN ONLY POSTS * ⓘ

MESSAGING * ⓘ

+ ADD OTHER PERKS ⓘ

EARNINGS

Earnings									
Chosen Payment Method: Paypal									
Last Payout: \$0.00 USD		Date Processed: 2019-01-16		Pending Payout: \$542.64		Current Balance: \$707.55			
Date	Free Videos	Free Video Earnings	Viewshare Videos	Viewshare Video Earnings	Modelhub Videos	Modelhub Earnings	Other Earnings	Total Month Earnings	Total All-Time Earnings
2019-01	12	\$201.53	4	\$30.33	5	\$475.89	-	\$707.55	\$1,164.48
2018-12	8	\$89.59	8	\$70.69	1	\$104.80	\$100.00	\$365.08	\$456.93
2018-11	3	\$20.03	6	\$61.03	1	\$10.79	-	\$91.85	\$91.85

Free Video Earnings

The ad revenue made within the given month

Viewshare Video Earnings

The viewshare revenue made within the given month

Video Counts

The video counts on your earnings table show the amount of videos that made money within the given month.

Modelhub Earnings

The revenue made on Modelhub sales, Fan Club subscriptions and Custom Videos within the given month

Other Earnings

Any referral bonuses, tips or prize winnings

Last Payout : The total amount of your last payment

Date Processed: The date your last payment was processed

Pending Payout: The payment that is currently being sent to you (will only appear when there is a payment processing)

Current Balance: The pending balance you have in your account (not including any payment that is currently being processed)

pornhub.com/model/payments

Sold Services

You can find a list of all of your sold services (tips, video sales, fanclub subscriptions and custom videos) on your Modelhub tab
pornhub.com/model/modelhub/earnings

Updates Daily

The earnings update daily. For Ad Revenue , the earnings are always calculated one day behind. Example, the earnings made on views incurred on Tuesday will appear in your earnings table on Wednesday.

Payment Information

You can update your address and payment information at any time in your model settings tab. Make sure this information is correct prior to the end of the month to ensure no lost payments!
pornhub.com/model/settings

MODEL SETTINGS



Additional Performers

When you are working with others, whether performers or producers, you must always take all necessary actions to protect both yourself and your content. We strongly recommend you use the co-performer agreement in your settings tab as well as upload 2 IDs for your additional performers.



Default Download Settings

You can set a default setting for your downloads on all newly uploaded, free to view videos. You can choose to block downloads, charge a default price for downloads or allow downloads for free.



Twitter Intergration

You can enable automatic tweets for whenever you make a sale, upload a video, when a new fan joins your Fan Club and when new Fan Only content is posted. You can also set a limit of the amount of tweets per day.

pornhub.com/model/settings

PERSONAL INFO



Attributes

You can add in information about yourself, such as your background, personal traits and measurements in your attributes tab to help new fans find you

pornhub.com/model/attributes



Birthday & Social Links

You can add your birthday (this will show publicly) as well as your social links, Modelhub URL and FanCentro name in your user settings

pornhub.com/user/edit



Geoblocking

We offer you the ability to block your videos and your profile page from showing up certain countries. Only video content will be blocked. Thumbnails and previews may still be shown in the blocked country.

pornhub.com/model/geo



SELF PROMOTION

- Be sure to promote your profile and content on your social media platforms
- Tag @pornhubmodels or @modelhub in your tweets about your Pornhub content for a chance to be re-tweeted
- Do polls with your fans to find out what type of video they want next or what thumbnail you should use
- Offer deals or subscriber goals to entice followers to check out your Pornhub page
- Uploading picture sets, tributes and behind the scene shots helps to keep your fan base enticed in-between uploads



Ginger Banks
@gingerbanks1

Following

I will upload a new video to my @Pornhub profile after every 1,000 subscribers! ❤️
Check out my profile here → pornhub.com/users/ginger_b...



freckledRED
@freckledRED_

Following

Subscribe to my channel
& send me proof for 1 free month of my XXX
Snapchat!

pornhub.com/users/freckled...

What NOT to Do

- Don't spam users with video links or copy pasted messages in the comment section or in direct messages. This might trigger our spam filters!
- Posting your cam links are fine, but please don't over do it.
- Quality over quantity! Posting a bunch of short clips won't do as well as a few longer, better quality videos.
- Don't upload content that you do not have the rights to. This will lead to removal of content, withheld earnings and banning.
- Don't harass other users!
- Tagging/titling/categorizing videos incorrectly can lead to a loss of earnings.
- Do not post duplicate videos or multiple cuts of the same scene. Doing so will result in a warning and multiple infringements can lead to being banned from the program.

WHERE TO GET HELP



Help Button on Pornhub

When you are on any of your Model tabs, you will see a little help button on the bottom right hand corner. You can use this button to search articles on our helpdesk or send us an email. Be sure to include your username, the email address associated with your account and all relevant information/screenshots



Contact Form

Use the support contact form for any Model Program questions. Be sure to select Model Program as the type of query to ensure a quick reply as well as the Support Type most relevant to your question.
pornhub.com/support



Twitter

Follow @PornhubHelp for any program updates. You can also DM us if you have any quick questions.

Any long form questions should be sent via the contact form, or directly via email to models@pornhub.com

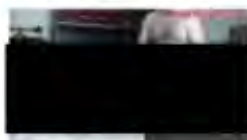
EXHIBIT 3

All **Videos** Images News Shopping More Settings Tools

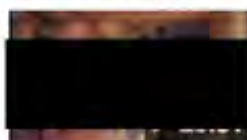
About 66,300,000 results (0.44 seconds)

Step Father and Step Daughter - Pornhub.comhttps://www.pornhub.com/view_video.php?viewkey=1374107618

Mar 30, 2014 - Uploaded by pilzlo

Watch **step father** and **step daughter** on Pornhub.com, the best hardcore porn site. Pornhub is home to the ...**REAL STEPDAD FUCKS HER YOUNG STEP DAUGHTER AND ...**https://www.pornhub.com/view_video.php?viewkey=ph5b784430edffe

Aug 18, 2018 - Uploaded by nuribbwrush

Watch **REAL STEPDAD** FUCKS HER YOUNG **STEP DAUGHTER** AND CUMS INSIDE HER on Pornhub.com ...**Step Daughter Fucks her Step Dad - Pornhub.com**https://www.pornhub.com/view_video.php?viewkey=1304745254

Mar 18, 2015 - Uploaded by Unknown

Watch **Step Daughter** Fucks Her **Step Dad** on Pornhub.com, the best hardcore porn site. Pornhub is home to ...**Step Dad and Step Daughter Fuck - Pornhub.com**https://www.pornhub.com/view_video.php?viewkey=97524656

Jul 17, 2017 - Uploaded by Unknown

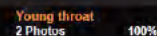
Watch **Step dad** and **step daughter** fuck on Pornhub.com, the best hardcore porn site. Pornhub is home to the ...**Stepdad Cries When Stepdaughter Gives Him Adoption Papers as a ...**<https://www.youtube.com/watch?v=XVZpgWNJLds>

Sep 13, 2017 - Uploaded by Inside Edition

EXHIBIT 4



FILED



Hidden Cam Gets Aerial View of
Hooker Getting Fuck (Me and My
27 1K views 83%

On The Hunt For Hos Ep. 10 (Run-
a-way Teen 19 yr Old Hooker)
419K views 65%

On The Hunt For Hos Ep. 9 (Chicago Hooker Gets Big Black Ass)
97.7K views 81%

On The Hunt For Hos Episode 8 (My 8th Grade Teacher Prostitutes)
51.9K views 77%

On The Hunt For Hos Episode 7 (Prostitutes in Texas Edition)
790K views 67%

On The Hunt For Hos Ep. 6 (Project Prostitutes of Chicago) Late Night
158K views 74%

On The Hunt For Hos Ep. 5 The Late Night Creep Teen Stripper/ Street
89.2K views 54%

On The Hunt For Hos Ep. 4 (Prostitute Sex in Bathroom Alabama)
384K views 75%

On The Hunt For Hos Episode 3 (Prostitutes in St. Louis Edition)
1.5M views · 64%

[+ More Most Recent Videos](#)

STREAM

[View Activity / View All](#)

Suga Daddy Zo wrote a post

Episode 26 A Honduran Drug Lord's Wife

After doing a little research, Apparently the bitch in my latest video is the wife of a Honduras

KWTV 1104 3 days ago

Where it at bruh



Suga Daddy Zo wrote a post

New shit dropping tomorrow

new Content coming tomorrow. Stay tuned



Suga Daddy Zo wrote a post

I'm the laboratory working on some new shit

In the lab working on ep. 26 now... you wanted more white girls? Well, you might want to tune in to Episode 28. It's going to be epic. Will release in a few days.



Suga Daddy Zo wrote a post


Cousin Pares

Would you guys like another story by my cuzzin Pares or should I trash that shit???

BigDickPlug14 1 week ago

Yeah shit be funny asl

#9682



Suga Daddy Zo ✓ wrote a post
 1 week ago

The wait is over. OTHFH Ep. Z5 out now

This episode got a little crazy... I ended up with more pussy than I thought I would. So I went to a run down hotel to fill a bitch up with some dick... and I did just that, but I guess we were a little too loud. The lady next door came over to our room and complained. After trading words with this bitch... next thing I knew, I had the bitch from next door bent over taking long hard strokes... while her man waited patiently on her to return smh... I keep telling you guys... those hos ain't loyal at all... He was wondering the whole time what took her so long to come back. Exclusively on my fan club.


There won't be a free version of this vid, so if you want to see it you gotta sign up to my fan club... chuuuuch!!!




Suga Daddy Zo ✓ wrote a post
 1 month ago

New video dropping tomorrow

It's been a hectic week but tomorrow new content will be released. Shit got crazy in this next one... I don't want to spoil the surprise but let's just say The girl next door bit off more than she can chew. This video won't have a free version. It will be fan club exclusive content. The only way you will be able to sit it all is if you sign up and become a fan... I can't wait for y'all to see this shit



Suga Daddy Zo ✓ subscribed to 1 users
 2 months ago



Suga Daddy Zo ✓ wrote a post
 2 months ago

New Production In the works

Working on some new shit right now. Been busy lately, but I'm trying to get this content pushed out. Working on some shit now.

View All

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This episode got a little crazy... I ended up with more pussy than I thought I would. So I went to a run down place to fuck up with some dick... and I did just that, but I guess we were a little too loud. The lady next door came over to our room and complained. After trading words with this bitch... next thing I knew, I had the bitch from next door bent over taking long hard strokes... while her man waited patiently on her to return smh... I keep telling you guys... these hos ain't loyal at all. He was wondering the whole time what took her so long to come back. Exclusively on my fan club.

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Suga Daddy Zo  wrote a post
a week ago

New video dropping tomorrow

It's been a hectic week but tomorrow new content will be released. Shit got crazy in this next one. I don't want to spoil the surprise but let's just say The girl next door bit off more than she can chew. This video won't have a free version. It will be fan club exclusive content. The only way you will be able to sit it all is if you sign up and become a fan... I can't wait for y'all to see this shit



Suga Daddy Zo  subscribed to 1 users
@ 2 weeks ago



Suga Daddy Zo  wrote a post
2 weeks ago

New Production in the works

Working on some new shit right now. Been busy lately, but I'm trying to get this content pushed out. Working on some shit now.

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LIVE CAMS

PORNSTARS

FUCK NOW

COMMUNITY

PHOTOS & GIFS

Randy Johnson

751 Model Rank

10.6M Video Views

12.1K Subscribers

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About Randy Johnson

I want to share massage videos of young amateur teens and milfs with you guys

FanCentro

Randy Johnson Modelhub

Relationship status: Single

Interested in: Girls

City and Country: Hong Kong, HK

Gender: Male

Birthday: Oct 13, 1975

Birth Place: United Kingdom

Age: 44

Endowment: 9-10"

Ethnicity: White

Foreskin: Uncut

Video Views: 10,598,133

Profile Views: 600,837

Videos Watched: 208

Joined: 2 years ago

Add Friend

Subscribe

Randy Johnson's Videos

Most Recent

+ More Videos

Show some love for Randy Johnson by offering him a tip.

Send a Tip

REPORT USER

real Asian massage cum cum cum

88.8K views 58%

Real phone sex (number 1) with 19year old Asian

26K views 58%

New Asian Porn Star massive natural tits

5.7K views 81%

Asian happy new year massage

91K views 67%

Real 38kg Japanese massage girl creampie

124K views 72%

REAL ASIAN MASAGE "" CUM OVER HER FACE ""

163K views 58%

HOT NAUGHTY MASSAGE WITH HAPPY ENDING

329K views 61%

oil massage for tiny ebony teen then smash her hard

162K views 59%

BEST MESSAGE VIDEO EVER ?

488K views 71%

REAL PERFECTAFRICAN MASSAGE SERVICE uncut video

105K views 53%

REAL 19 YEAR OLD EBONY COLLAGE GIRL GIVES FULL

115K views 78%

BLACK TEEN MASSAGE ENDS IN REVERSE COWGIRL & DOGGY

10.8K views 71%

TINY ASIAN EBONY GIVES MASSAGE BLOWJOB AND GAGS

44.1K views 78%

SMOKING HOT EBONY GIVES A GREAT MASSAGE BLOWJOB AND

27.2K views 76%

TWO HOT EBONY GIRLS FUCK WHITE GUY

29K views 53%

Document title: Randy Johnson's Porn Videos | Pornhub
Capture URL: https://www.pornhub.com/mode/randy-johnson
Capture timestamp (UTC): Tue, 07 Jul 2020 16:04:13 GMT
Page 1 of 2

#9686

TINY ASIAN EBONY GIVES
MESSAGE BLOWJOB AND GAGS

44.1K views 75%

SMOKING HOT EBONY GIVES A
GREAT MESSAGE BLOWJOB AND

27.2K views 75%

TWO HOT EBONY GIRLS FUCK
WHITE GUY

29K views 63%

10 SECOND MESSAGE BUT
GREAT BJ AND FUCK

18.8K views 74%

HOTEL MESSAGE BLOWJOB
FROM TINY 18 YEAR OLD EBONY

17.5K views 74%

massage room fuck in the chair with
asian

22.5K views 74%

MESSAGE WITH ANAL SEX

42.2K views 74%

Air hostess said she would give me a
massage but fucked and sucked my

83.9K views 51%

Sexy African girl gives a great
massage bj and doggy style fuck

332K views 57%

AFRICAN HOTEL MESSAGE LOTS
OF SLOPPY GAGGING AND CUM

832K views 51%

HOTEL THAI MESSAGE GIRL
GETS DESTROYED BY TOURIST

54.1K views 57%

hot home massage with anal training
blowjob and doggy style fuck

70K Views 79%

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This member has a private stream

Please add them as a friend to see and post on their stream...

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Language: [English](#)

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Exhibit C

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

JANE DOE #1, and JANE DOE #2, on)	
behalf of themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	CIVIL ACTION NO:
)	7:21-cv-00220-LSC
v.)	
)	Honorable L. Scott Coogler
MG FREESITES, LTD, d/b/a)	
“PORNHUB”; MG FREESITES II)	
LTD; MINDGEEK S.A.R.L.;)	
MINDGEEK USA INCORPORATED;)	
MG CY HOLDINGS LTD;)	
MINDGEEK CONTENT RT LIMITED;)	
9219-1568 QUEBEC, INC., d/b/a)	
MINDGEEK; MG BILLING LTD,)	
)	
Defendants.)	

**JOINT MOTION FOR EXTENSION OF
CLASS CERTIFICATION DEADLINES**

Plaintiff Jane Doe #1 jointly with the Defendants MindGeek S.A.R.L., MG Freesites Ltd, MG Freesites II Ltd, MindGeek USA Inc., MG CY Holdings Ltd, MindGeek Content RT Ltd, 9219-1568 Quebec Inc., and MG Billing Ltd (the “Parties”) move this Honorable Court for a modification of the Scheduling Order and Revised Scheduling Order, docs. 33 & 66, in this case, pursuant to Federal Rule of Civil Procedure 6(b)(1). The Parties jointly move the Court to extend the

deadlines for Plaintiff's motion for class certification, Defendants' response to Plaintiff's motion for class certification, Plaintiff's reply brief, and the Class Certification Hearing.

Under the current Revised Scheduling Order, doc. 66, the Plaintiff's motion for class certification is due by June 23, 2023. The Defendants' response to Plaintiff's motion for class certification is due by July 23, 2023. The Plaintiff's reply brief in support of class certification is due by August 7, 2023, and the hearing on class certification is scheduled on or after September 7, 2023. The Parties continue to meet and confer to attempt to advance resolution of this case and require additional time to conduct fact discovery. In light of those efforts, the Parties believe good cause warrants the modification of this timeline.

Therefore, the Parties respectfully request this Court modify the Revised Scheduling Order, doc. 66. The Parties propose the Court set the deadline for the Plaintiff's motion class certification to Friday, September 8, 2023 with the Defendants' response due thirty (30) days from the date the Plaintiff's motion for class certification is filed. The Plaintiff's reply to be due fifteen (15) days after the Defendants file their response, and the hearing to be scheduled thirty (30) days or more following the Plaintiff's reply.

Respectfully submitted this 12th day of May 2023,

/s/ Gregory Zarzaur

Gregory Zarzaur (ASB-0759-E45Z)
Kelsie Overton (ASB-1791-F80L)
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Counsel for the Defendants

CERTIFICATE OF SERVICE

I hereby certify on this 12th day of May 2023, this document was filed through the Electronic Case Filing System of the United States District Court for the Northern District of Alabama and will be served electronically by the court to all participants of record.

/s/ Gregory Zarzaur
Gregory Zarzaur

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

JANE DOE #1, and JANE DOE #2, on)
behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

MG FREESITES, LTD, d/b/a)
“PORNHUB”; MG FREESITES II)
LTD; MINDGEEK S.A.R.L.;)
MINDGEEK USA INCORPORATED;)
MG CY HOLDINGS LTD;)
MINDGEEK CONTENT RT LIMITED;)
9219-1568 QUEBEC, INC., d/b/a)
MINDGEEK; MG BILLING LTD,)

Defendants.)

CIVIL ACTION NO:
7:21-cv-00220-LSC

Honorable L. Scott Coogler

**[PROPOSED] ORDER FOR EXTENSION OF
CLASS CERTIFICATION DEADLINES**

This order is entered under Fed. R. Civ. P. 16(b) based on the parties’ joint motion for an extension of time. The Parties’ Joint Motion for Extension of Class Certification Deadlines is **GRANTED**.

Class Certification:

Motion: Plaintiff’s motion for class certification is due by Friday,
September 8, 2023.

Response: Defendants' response to Plaintiff's motion for class certification is due thirty (30) days after Plaintiff's motion is filed.

Reply: Plaintiff's reply brief in support of class certification is due fifteen (15) days after the Defendants' response is filed.

Hearing: At least thirty days (30) after Plaintiff's reply brief is filed.

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED May X, 2023.

Chief Judge L. Scott Coogler
United States District Court
Northern District of Alabama

Exhibit D

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Southern Division - Santa Ana)
CIVIL DOCKET FOR CASE #: 8:21-cv-00338-CJC-ADS**

Jane Doe v. MindGeek USA Incorporated et al
Assigned to: Judge Cormac J. Carney
Referred to: Magistrate Judge Autumn D. Spaeth
Related Case: [2:21-cv-04920-CJC-ADS](#)
Cause: 28:1331 Fed. Question

Date Filed: 02/19/2021
Jury Demand: Both
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Jane Doe
*on behalf of herself and all others similarly
situated*

represented by **Krysta Kauble Pachman**
Susman Godfrey LLP
1900 Avenue of the Stars Suite 1400
Los Angeles, CA 90067
310-789-3100
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 03/21/2023
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V.

Defendant

MindGeek USA Incorporated

represented by **Benjamin Maxwell Sadun**
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PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

MindGeek S.A.R.L.

represented by **Benjamin Maxwell Sadun**
(See above for address)
ATTORNEY TO BE NOTICED

Christopher R. Boisvert
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen N. Massey
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

MG Freesites, Ltd
doing business as
Pornhub

represented by **Benjamin Maxwell Sadun**
(See above for address)
ATTORNEY TO BE NOTICED

Christopher R. Boisvert
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen N. Massey
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

#9700

MG Freesites II, Ltd

represented by **Benjamin Maxwell Sadun**
 (See above for address)
ATTORNEY TO BE NOTICED

Christopher R. Boisvert
 (See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen N. Massey
 (See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant**MG Content RT Limited**

represented by **Benjamin Maxwell Sadun**
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ATTORNEY TO BE NOTICED

Christopher R. Boisvert
 (See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen N. Massey
 (See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

9219-1568 Quebec, Inc.
doing business as
 MindGeek

represented by **Benjamin Maxwell Sadun**
 (See above for address)
ATTORNEY TO BE NOTICED

Christopher R. Boisvert
 (See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen N. Massey
 (See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/19/2021	<u>1</u>	COMPLAINT Receipt No: ACACDC-30622807 - Fee: \$402, filed by plaintiff Jane Doe. (Attorney Krysta Kauble Pachman added to party Jane Doe(pty:pla))(Kauble Pachman, Krysta) (Entered: 02/19/2021)
02/19/2021	<u>2</u>	Certification and Notice of Interested Parties filed by Plaintiff Jane Doe, (Kauble Pachman, Krysta) (Entered: 02/19/2021)

02/19/2021	<u>3</u>	NOTICE Plaintiff's Notice of Pendency of Other Actions or Proceedings filed by Plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 02/19/2021)
02/19/2021	<u>4</u>	CIVIL COVER SHEET filed by Plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 02/19/2021)
02/19/2021	<u>5</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) <u>1</u> filed by plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 02/19/2021)
02/22/2021	<u>6</u>	NOTICE OF ASSIGNMENT to District Judge Cormac J. Carney and Magistrate Judge Autumn D. Spaeth. (et) (Entered: 02/22/2021)
02/22/2021	<u>7</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (et) (Entered: 02/22/2021)
02/22/2021	<u>8</u>	NOTICE OF DEFICIENCIES in Request to Issue Summons RE: Summons Request <u>5</u> . The following error(s) was found: Summons is not directed to the defendant(s). The defendants name must appear in the To:section of the summons. The summons cannot be issued until this defect has been corrected. Please correct the defect and re-file your request. (et) (Entered: 02/22/2021)
02/22/2021	<u>9</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Arun Subramanian on behalf of Plaintiff. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (et) (Entered: 02/22/2021)
02/22/2021	<u>10</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Steve Cohen on behalf of Plaintiff. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (et) (Entered: 02/22/2021)
02/22/2021	<u>11</u>	APPLICATION of Non-Resident Attorney Arun Subramanian to Appear Pro Hac Vice on behalf of Plaintiff Jane Doe (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-30641312) filed by Plaintiff Jane Doe. (Attachments: # <u>1</u> Proposed Order) (Kauble Pachman, Krysta) (Entered: 02/22/2021)
02/22/2021	<u>12</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) <u>1</u> filed by plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 02/22/2021)
02/23/2021	<u>13</u>	APPLICATION of Non-Resident Attorney Steve M. Cohen to Appear Pro Hac Vice on behalf of Plaintiff Jane Doe (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-30669863) filed by plaintiff Jane Doe. (Attachments: # <u>1</u> Proposed Order) (Kauble Pachman, Krysta) (Entered: 02/23/2021)

02/23/2021	14	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) 1 as to defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (twdb) (Entered: 02/23/2021)
02/23/2021	15	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: APPLICATION of Non-Resident Attorney Arun Subramanian to Appear Pro Hac Vice on behalf of Plaintiff Jane Doe (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-30641312) 11 . The following error(s) was/were found: Outdated version of the form used. (sbou) (Entered: 02/23/2021)
03/02/2021	16	PROOF OF SERVICE Executed by Plaintiff Jane Doe, upon Defendant MindGeek USA Incorporated served on 2/26/2021, answer due 3/19/2021. Service of the Summons and Complaint were executed upon Jessie Gastelum, Registered Agent, CT Corporation Inc. in compliance with Federal Rules of Civil Procedure by service on a domestic corporation, unincorporated association, or public entity.Original Summons NOT returned. (Kauble Pachman, Krysta) (Entered: 03/02/2021)
03/02/2021	17	ORDER by Judge Cormac J. Carney: Granting Application of Non-Resident Attorney Arun Subramanian to Appear Pro Hac Vice on behalf of Plaintiff Jane Doe, designating Krysta Pachman as local counsel 11 . (iv) (Entered: 03/02/2021)
03/02/2021	18	ORDER by Judge Cormac J. Carney: Granting Application of Non-Resident Attorney Steve Cohen to Appear Pro Hac Vice on behalf of Plaintiff Jane Doe, designating Krysta Pachman as local counsel 13 . (iv) (Entered: 03/02/2021)
03/08/2021	19	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) 1 filed by plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 03/08/2021)
03/09/2021	20	21 DAY ALIAS Summons Issued re Complaint (Attorney Civil Case Opening) 1 as to Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (twdb) (Entered: 03/09/2021)
03/19/2021	21	STIPULATION Extending Time to Answer the complaint as to All Parties, re Complaint (Attorney Civil Case Opening) 1 filed by Plaintiff Jane Doe.(Kauble Pachman, Krysta) (Entered: 03/19/2021)
05/12/2021	22	NOTICE of Appearance filed by attorney Emily Kathleen Cronin on behalf of Plaintiff Jane Doe (Attorney Emily Kathleen Cronin added to party Jane Doe(pty:pla))(Cronin, Emily) (Entered: 05/12/2021)
05/12/2021	23	NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> filed by Plaintiff Jane Doe. Motion set for hearing on 6/14/2021 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Memorandum In Support of Plaintiff's Motion to Appoint Interim Lead Class Counsel Pursuant to Fed. R. Civ. P. 23(G), # 2 Declaration of Krysta Kauble Pachman In Support of Plaintiff's Motion to Appoint Interim Lead Counsel, # 3 Exhibit 1 to Declaration, # 4 Exhibit 2 to Declaration, # 5 Exhibit 3 to Declaration, # 6 Exhibit 4 to Declaration, # 7 Exhibit 5 to Declaration) (Cronin, Emily) (Entered: 05/12/2021)
05/12/2021	24	PROOF OF SERVICE filed by Plaintiff Jane Doe, re NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> 23 served on May 12, 2021. (Cronin, Emily) (Entered: 05/12/2021)
05/13/2021	25	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> 23 . The following error(s) was/were found: Proposed Document was not submitted as separate attachment. In response to this notice, the Court may: (1) order an

#9703

		amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (twdb) (Entered: 05/13/2021)
05/24/2021	26	Notice of Appearance or Withdrawal of Counsel: for attorney Benjamin Maxwell Sadun counsel for Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. Adding Benjamin Sadun as counsel of record for MindGeek USA Incorporated, MindGeek S.A.R.L., MG Freesites, LTD (D/B/A Pornhub), MG Freesites II, LTD, MG Content RT Limited, and 9219- 1568 Quebec, Inc. (D/B/A MindGeek) for the reason indicated in the G-123 Notice. Filed by Defendants MindGeek USA Incorporated, MindGeek S.A.R.L., MG Freesites, LTD (D/B/A Pornhub), MG Freesites II, LTD, MG Content RT Limited, and 9219- 1568 Quebec, Inc. (D/B/A MindGeek). (Attorney Benjamin Maxwell Sadun added to party 9219-1568 Quebec, Inc.(pty:dft), Attorney Benjamin Maxwell Sadun added to party MG Content RT Limited(pty:dft), Attorney Benjamin Maxwell Sadun added to party MG Freesites II, Ltd(pty:dft), Attorney Benjamin Maxwell Sadun added to party MG Freesites, Ltd(pty:dft), Attorney Benjamin Maxwell Sadun added to party MindGeek S.A.R.L.(pty:dft), Attorney Benjamin Maxwell Sadun added to party MindGeek USA Incorporated(pty:dft))(Sadun, Benjamin) (Entered: 05/24/2021)
05/24/2021	27	DEFENDANT MINDGEEK USA INC.S OPPOSITION TO MOTION TO APPOINT INTERIM LEAD CLASS COUNSEL PURSUANT TO FED. R. CIV. P. 23(g) Opposition re: NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> 23 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Proposed Order)(Sadun, Benjamin) (Entered: 05/24/2021)
05/24/2021	28	CORPORATE DISCLOSURE STATEMENT <i>MINDGEEK USA INC. CORPORATE DISCLOSURE STATEMENT PURSUANT TO FED. R. CIV. P. 7.1</i> filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated identifying MindGeek S.A.R.L. as Corporate Parent. (Sadun, Benjamin) (Entered: 05/24/2021)
05/26/2021	29	APPLICATION of Non-Resident Attorney Kathleen N. Massey to Appear Pro Hac Vice on behalf of Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-31360378) filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Proposed Order) (Sadun, Benjamin) (Entered: 05/26/2021)
05/26/2021	31	ORDER by Judge Cormac J. Carney: Granting 29 Non-Resident Attorney Kathleen N. Massey APPLICATION to Appear Pro Hac Vice on behalf of Mindgeek USA, Inc., et al Defendants, designating Benjamin Sadun as local counsel. (twdb) (Entered: 06/01/2021)
05/31/2021	30	REPLY in support NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> 23 filed by Plaintiff Jane Doe. (Attachments: # 1 Declaration of Krysta Kauble Pachman, # 2 Exhibit 6)(Kauble Pachman, Krysta) (Entered: 05/31/2021)
06/03/2021	32	ORDER by Judge Cormac J. Carney: Denying Plaintiff's MOTION for Appointment of Interim Lead Class Counsel (Dkt. 23). SEE DOCUMENT FOR FURTHER INFORMATION. (twdb) (Entered: 06/04/2021)
06/29/2021	33	APPLICATION of Non-Resident Attorney Tamar Lusztig to Appear Pro Hac Vice on behalf of Plaintiff Jane Doe (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-

		31549631) filed by plaintiff Jane Doe. (Attachments: # 1 Proposed Order) (Kauble Pachman, Krysta) (Entered: 06/29/2021)
06/30/2021	34	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. Motion set for hearing on 8/2/2021 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Memorandum, # 2 Declaration of Benjamin Sadun, # 3 Proposed Order) (Sadun, Benjamin) (Entered: 06/30/2021)
06/30/2021	35	CORPORATE DISCLOSURE STATEMENT filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated identifying MindGeek S.A.R.L. as Corporate Parent. (Sadun, Benjamin) (Entered: 06/30/2021)
07/01/2021	36	NOTICE OF INTENT by Judge Cormac J. Carney. Scheduling order to be issued on September 2, 2021. (kdu) (Entered: 07/01/2021)
07/01/2021	37	NOTICE OF ERRATA filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. correcting NOTICE OF MOTION AND MOTION to Dismiss Case 34 (Attachments: # 1 Exhibit A-Corrected)(Sadun, Benjamin) (Entered: 07/01/2021)
07/08/2021	38	ORDER by Judge Cormac J. Carney: Granting 33 Non-Resident Attorney Tamar Lusztig REQUEST to Appear Pro Hac Vice on behalf of Jane Doe Plaintiff, designating Krysta Kauble Pachman as local counsel. (twdb) (Entered: 07/09/2021)
07/09/2021	39	NOTICE OF MOTION AND MOTION to Stay pending Ruling on Motion to Dismiss (Dkt. 34) filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. Motion set for hearing on 8/9/2021 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Memorandum of Points and Authorities ISO, # 2 Declaration of Kathleen Massey, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E, # 8 Exhibit F, # 9 Exhibit G, # 10 Proposed Order) (Sadun, Benjamin) (Entered: 07/09/2021)
07/12/2021	40	NOTICE OF INTENT TO FILE AMENDED COMPLAINT filed by plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 07/12/2021)
07/19/2021	41	OPPOSITION to NOTICE OF MOTION AND MOTION to Stay pending Ruling on Motion to Dismiss (Dkt. 34) 39 <i>Plaintiff's Opposition to Defendants' Motion to Stay Discovery Pending Resolution of Dispositive Motions Under Fed. R. Civ. P. 12(b)(6)</i> filed by Plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 07/19/2021)
07/21/2021	42	FIRST AMENDED COMPLAINT against Defendants, 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated amending Complaint (Attorney Civil Case Opening) 1 , filed by plaintiff Jane Doe(Kauble Pachman, Krysta) (Entered: 07/21/2021)
07/22/2021	43	(IN CHAMBERS) SCHEDULING NOTICE by Judge Cormac J. Carney. In light of the First Amended Complaint filed on 7/21/2021 (Dkt. 42), Defendants' Motion to Dismiss 34 and Defendants' Motion for a Partial Stay of Discovery 39 are DENIED AS MOOT. Any response to the Amended Complaint shall be filed by August 4, 2021. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (rrp) TEXT ONLY ENTRY (Entered: 07/22/2021)
07/30/2021	44	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 7 days, filed by Plaintiff Jane Doe.. (Kauble Pachman, Krysta) (Entered: 07/30/2021)

08/02/2021	45	NOTICE of Motion to Dismiss Plaintiff's First Amended Complaint filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Memorandum of Points and Authorities ISO Defendants' Motion to Dismiss the FAC with Prejudice, # 2 Declaration of Benjamin Sadun, # 3 Proposed Order)(Sadun, Benjamin) Modified on 8/3/2021 (twdb). (Entered: 08/02/2021)
08/03/2021	46	NOTICE OF ERRATA filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. correcting Notice (Other), 45 <i>Correction to Exhibit A of Declaration of Benjamin A. Sadun</i> (Sadun, Benjamin) (Entered: 08/03/2021)
08/03/2021	47	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: to Dismiss 45 . The following error(s) was/were found: Incorrect event selected. Correct event to be used is: Motion to Dismiss. Other error(s) with document(s): Hearing date should be set when using the correct motion event during docket entry. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (twdb) (Entered: 08/03/2021)
08/09/2021	48	NOTICE OF MOTION AND MOTION for Order for Defendants' Renewed Motion for a Partial Stay of Discovery Pending Resolution of Dispositive Motion Under Fed.R.Civ.P.12(b)(6) filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. Motion set for hearing on 9/13/2021 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Memorandum Memorandum of Points & Authorities ISO Motion For a Partial Stay of Discovery Pending Resoluton of Dispositive Motion Under Fed.R.Civ..P. 12(B)(6), # 2 Declaration of Kathleen Massey, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Proposed Order) (Sadun, Benjamin) (Entered: 08/09/2021)
08/09/2021	49	OPPOSITION to to Dismiss 45 <i>Plaintiff's Opposition to Defendants' Motion to Dismiss</i> filed by Plaintiff Jane Doe. (Attachments: # 1 Declaration of Krysta Kauble Pachman, # 2 Exhibit A, # 3 Exhibit B)(Kauble Pachman, Krysta) (Entered: 08/09/2021)
08/09/2021	50	OBJECTIONS in opposition re: to Dismiss 45 <i>Plaintiff's Objections to Defendants' Request for Judicial Notice re Exhibit B to Sadun Declaraiton (Dkt. 45-2)</i> filed by Plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 08/09/2021)
08/13/2021	51	NOTICE OF MOTION AND MOTION to Proceed Under a Pseudonym filed by Plaintiff Jane Doe. Motion set for hearing on 9/13/2021 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Exhibit A, # 2 Proposed Order Granting Unopposed Motion for Leave to Proceed Under a Pseudonym) (Kauble Pachman, Krysta) (Entered: 08/13/2021)
08/16/2021	52	NOTICE OF ERRATA filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. correcting to Dismiss 45 <i>Correction to Exhibit B of Declaration of Benjamin M. Sadun</i> (Attachments: # 1 Exhibit B-Corrected)(Sadun, Benjamin) (Entered: 08/16/2021)
08/16/2021	53	REPLY In Support of Motion to Dismiss 45 <i>The First Amended Complaint and Response to Plaintiff's Objections to Request For Judicial Notice</i> filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Sadun, Benjamin) (Entered: 08/16/2021)

08/17/2021	54	ORDER by Judge Cormac J. Carney: Granting 51 Plaintiff's Unopposed MOTION for Leave to Proceed Under A Pseudonym. (twdb) (Entered: 08/18/2021)
08/23/2021	55	OPPOSITION to NOTICE OF MOTION AND MOTION for Order for Defendants' Renewed Motion for a Partial Stay of Discovery Pending Resolution of Dispositive Motion Under Fed.R.Civ.P.12(b)(6) 48 filed by Plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 08/23/2021)
08/26/2021	56	NOTICE filed by plaintiff Jane Doe. <i>Notice of Supplemental Authority</i> (Attachments: # 1 Exhibit 1)(Kauble Pachman, Krysta) (Entered: 08/26/2021)
08/27/2021	57	RESPONSE filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated to Notice (Other) 56 <i>Response to Plaintiff's Notice of Supplemental Authority</i> (Sadun, Benjamin) (Entered: 08/27/2021)
08/30/2021	58	REPLY In Support of NOTICE OF MOTION AND MOTION for Order for Defendants' Renewed Motion for a Partial Stay of Discovery Pending Resolution of Dispositive Motion Under Fed.R.Civ.P.12(b)(6) 48 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Sadun, Benjamin) (Entered: 08/30/2021)
08/30/2021	59	MINUTES OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT Hearing held before Judge Cormac J. Carney re: 45 MOTION to Dismiss. The Court hears oral argument from the parties. The Court takes the Motion under submission. Order to issue. Court Reporter: Debbie Hino-Spaan. (mrgo) (Entered: 08/30/2021)
08/31/2021	60	TRANSCRIPT ORDER as to Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated for Court Reporter. Court will contact Benjamin Sadun at benjamin.sadun@dechert.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Sadun, Benjamin) (Entered: 08/31/2021)
08/31/2021	61	TRANSCRIPT ORDER as to Plaintiff Jane Doe for Court Reporter. Court will contact Simon DeGeorges at sdegeorges@susmangodfrey.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Subramanian, Arun) (Entered: 08/31/2021)
09/01/2021	62	TRANSCRIPT ORDER for Court Reporter. Transcript preparation will not begin until payment has been satisfied with the court reporter. (ha) (Entered: 09/01/2021)
09/01/2021	63	Clarification Regarding The Mens Rea Required by 18 U.S.C. § 1591 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated (Attachments: # 1 Exhibit A) (Sadun, Benjamin) (Entered: 09/01/2021)
09/02/2021	64	SCHEDULING ORDER by Judge Cormac J. Carney. Class Certification Motion Deadline August 29, 2022. Discovery cut-off 1/26/2023. LAST DATE TO HEAR MOTIONS is 3/27/2023. Last date to conduct settlement conference is 2/9/2023. Pretrial Conference set for 5/22/2023 at 3:00 p.m. Jury Trial set for 6/6/2023 at 8:30 a.m. (rrp) (Entered: 09/02/2021)
09/02/2021	65	ORDER REGARDING SETTLEMENT PROCEDURES, PRETRIAL CONFERENCE AND TRIAL by Judge Cormac J. Carney. (rrp) (Entered: 09/02/2021)

09/03/2021	66	ORDER by Judge Cormac J. Carney: DENYING IN SUBSTANTIAL PART DEFENDANTS MOTION TO DISMISS PLAINTIFFS FIRST AMENDED COMPLAINT [Dkt. 45 . SEE DOCUMENT FOR FURTHER INFORMATION. (twdb) (Entered: 09/03/2021)
09/03/2021	67	MINUTES (IN CHAMBERS) by Judge Cormac J. Carney: In light of the Court's order DENYING IN SUBSTANTIAL PART Defendants' Motion to Dismiss 66 , Defendants' Renewed Motion for a Partial Stay of Discovery 48 is DENIED AS MOOT. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (kdu) TEXT ONLY ENTRY (Entered: 09/03/2021)
09/10/2021	68	NOTICE of Appearance filed by attorney Halley Wilder Josephs on behalf of Plaintiff Jane Doe (Attorney Halley Wilder Josephs added to party Jane Doe(pty:pla))(Josephs, Halley) (Entered: 09/10/2021)
09/17/2021	69	STIPULATION Extending Time to Answer the complaint as to All Defendants, re Amended Complaint/Petition, 42 filed by Defendants MG Freesites II, Ltd, 9219-1568 Quebec, Inc., MG Freesites, Ltd, MindGeek S.A.R.L., MG Content RT Limited, MindGeek USA Incorporated.(Sadun, Benjamin) (Entered: 09/17/2021)
09/24/2021	70	ANSWER to Amended Complaint/Petition, 42 with JURY DEMAND filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated.(Sadun, Benjamin) (Entered: 09/24/2021)
09/27/2021	71	APPLICATION of Non-Resident Attorney Christopher R. Boisvert to Appear Pro Hac Vice on behalf of Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-32055305) filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Proposed Order) (Sadun, Benjamin) (Entered: 09/27/2021)
09/30/2021	72	SECOND AMENDED COMPLAINT against Defendants All Defendants amending Amended Complaint/Petition, 42 , filed by plaintiff Jane Doe(Kauble Pachman, Krysta) (Entered: 09/30/2021)
09/30/2021	73	NOTICE OF MOTION AND MOTION for Reconsideration re Order on Motion to Dismiss (cause or other) 66 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. Motion set for hearing on 11/1/2021 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Memorandum, # 2 Declaration, # 3 Exhibit A, # 4 Exhibit B, # 5 Proposed Order Granting Dismissal, # 6 Proposed Order Granting Motion for Certification) (Sadun, Benjamin) (Entered: 09/30/2021)
10/11/2021	74	OPPOSITION re: NOTICE OF MOTION AND MOTION for Reconsideration re Order on Motion to Dismiss (cause or other) 66 73 filed by Plaintiff Jane Doe. (Attachments: # 1 Declaration of Krysta Kauble Pachman and Exhibit A)(Kauble Pachman, Krysta) (Entered: 10/11/2021)
10/12/2021	75	ORDER by Judge Cormac J. Carney: Granting Application of Non-Resident Attorney Christopher Boisvert to Appear Pro Hac Vice on behalf of Defendant Mindgeek USA Inc., et al., designating Benjamin Sadun as local counsel 71 . (iv) (Entered: 10/12/2021)
10/14/2021	76	ANSWER to Amended Complaint/Petition 72 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated.(Sadun, Benjamin) (Entered: 10/14/2021)

10/18/2021	77	REPLY in Support of NOTICE OF MOTION AND MOTION for Reconsideration re Order on Motion to Dismiss (cause or other) 66 73 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Declaration of Kathleen Massey ISO Defendants' Reply ISO Their Motion for Reconsideration, # 2 Exhibit A to Massey Declaration ISO Defendants' Reply)(Sadun, Benjamin) (Entered: 10/18/2021)
10/22/2021	78	STIPULATION for Protective Order filed by Plaintiff Jane Doe.(Josephs, Halley) (Entered: 10/22/2021)
10/25/2021	79	Joint STIPULATION for Order re: Discovery of Electronically Stored Information filed by Plaintiff Jane Doe.(Josephs, Halley) (Entered: 10/25/2021)
10/25/2021	80	MINUTES (IN CHAMBERS) by Judge Cormac J. Carney: ORDER TAKING UNDER SUBMISSION DEFENDANTS' MOTION for Reconsideration 73 . Accordingly, the hearing set for November 1, 2021 at 1:30 p.m. is hereby vacated and off calendar. The Court takes the matter under submission and will issue a decision on the motion forthwith. (twdb) (Entered: 10/25/2021)
10/25/2021	81	ORDER by Judge Cormac J. Carney, Granting Stipulated Pre-Trial Protective Order as to the Identity of Plaintiff Jane Doe 78 . SEE DOCUMENT FOR FURTHER INFORMATION. (twdb) (Entered: 10/26/2021)
10/27/2021	82	STIPULATION for Protective Order filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated.(Sadun, Benjamin) (Entered: 10/27/2021)
10/28/2021	83	NOTICE of Change in Authority filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Sadun, Benjamin) (Entered: 10/28/2021)
11/01/2021	84	RESPONSE filed by Plaintiff Jane Doe to Notice (Other), 83 (Kauble Pachman, Krysta) (Entered: 11/01/2021)
11/02/2021	85	PROTECTIVE ORDER by Magistrate Judge Autumn D. Spaeth re Stipulation for Protective Order 82 . (see document for details) (hr) (Entered: 11/02/2021)
11/30/2021	86	NOTICE OF MOTION AND MOTION to Stay Case pending resolution of criminal case as required by 18 U.S.C. § 1595(b) filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. Motion set for hearing on 1/3/2022 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Proposed Order Proposed Order, # 2 Memorandum of Points and Authorities in Support of Defendants' Motion for a Stay of Proceedings Pursuant to 18 USC § 1595(b), # 3 Declaration Declaration of Lauren Herbert in Support of Defendants' Motion for a Stay of Proceedings Pursuant to 18 USC § 1595(b), # 4 Declaration Declaration of Benjamin M. Sadun in Support of Defendants' Motion for a Stay of Proceedings Pursuant to 18 USC § 1595(b), # 5 Exhibit Sadun Declaration Exhibit A, # 6 Exhibit Sadun Declaration Exhibit B, # 7 Exhibit Sadun Declaration Exhibit C) (Sadun, Benjamin) (Entered: 11/30/2021)
11/30/2021	87	SEALED NOTICE OF MOTION AND MOTION re Order 81 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. Motion set for hearing on 1/3/2022 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Proposed Order Proposed Order, # 2 Memorandum of Points and Authorities in Support of Defendants' Motion for a Stay of Proceedings Pursuant to 18 USC § 1595(b), # 3 Declaration of Lauren Herbert in

#9709

		Support of Defendants' Motion for a Stay of Proceedings Pursuant to 18 USC § 1595(b), # 4 Declaration of Benjamin M. Sadun in Support of Defendants' Motion for a Stay of Proceedings Pursuant to 18 USC § 1595(b), # 5 Exhibit Sadun Declaration Exhibit A, # 6 Exhibit Sadun Declaration Exhibit B, # 7 Exhibit Sadun Declaration Exhibit C)(Sadun, Benjamin) (Entered: 11/30/2021)
12/02/2021	88	ORDER by Judge Cormac J. Carney: Denying 73 Defendants' MOTION for Reconsideration or, in the Alternative, Motion for Interlocutory Appeal [Dkt. 73 , 66]. SEE DOCUMENT FOR FURTHER INFORMATION. (twdb) (Entered: 12/03/2021)
12/06/2021	89	NOTICE OF MOTION AND MOTION for Leave to file Third Amended Complaint filed by Plaintiff Jane Doe. Motion set for hearing on 1/3/2022 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Declaration of Krysta Kauble Pachman in support of, # 2 Exhibit A, # 3 Exhibit B, # 4 Proposed Order) (Kauble Pachman, Krysta) (Entered: 12/06/2021)
12/13/2021	90	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Leave to file Third Amended Complaint 89 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Declaration of Benjamin M. Sadun un Support of Defendants' Opposition to Plaintiff's Motion for Leave to File Amended Complaint, # 2 Exhibit A (filed under seal), # 3 Exhibit B (filed under seal), # 4 Exhibit C (filed under seal), # 5 Exhibit D)(Sadun, Benjamin) (Entered: 12/13/2021)
12/13/2021	91	SEALED OPPOSITION RE NOTICE OF MOTION AND MOTION for Leave to file Third Amended Complaint 89 , Order 81 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Declaration of Benjamin M. Sadun un Support of Defendants' Opposition to Plaintiff's Motion for Leave to File Amended Complaint, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D)(Sadun, Benjamin) (Entered: 12/13/2021)
12/13/2021	92	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Stay Case pending resolution of criminal case as required by 18 U.S.C. § 1595(b) 86 filed by Plaintiff Jane Doe. (Attachments: # 1 Declaration of Krysta Kauble Pachman, # 2 Exhibit A - Antonio-Morales - dkt 24, # 3 Exhibit B - Filed Separately Under Seal)(Kauble Pachman, Krysta) (Entered: 12/13/2021)
12/13/2021	93	SEALED DOCUMENT <i>Exhibit B to Plaintiff's Opposition to Defendants' Motion to Stay</i> re MEMORANDUM in Opposition to Motion, 92 , Order 81 filed by Plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 12/13/2021)
12/20/2021	94	REPLY in Support NOTICE OF MOTION AND MOTION to Stay Case pending resolution of criminal case as required by 18 U.S.C. § 1595(b) 86 , SEALED NOTICE OF MOTION AND MOTION re Order 81 87 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Sadun, Benjamin) (Entered: 12/20/2021)
12/20/2021	95	SEALED REPLY RE NOTICE OF MOTION AND MOTION to Stay Case pending resolution of criminal case as required by 18 U.S.C. § 1595(b) 86 , SEALED NOTICE OF MOTION AND MOTION re Order 81 87 , Order 81 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated.(Sadun, Benjamin) (Entered: 12/20/2021)
12/20/2021	96	REPLY in support of a motion NOTICE OF MOTION AND MOTION for Leave to file Third Amended Complaint 89 filed by Plaintiff Jane Doe. (Kauble Pachman, Krysta)

05/04/2023	106	ORDER by Judge Cormac J. Carney, Granting Stipulation for Leave to File a Third Amended Complaint 105 . Jury Trial Demanded. Plaintiff shall promptly file the Third Amended Complaint pursuant to Local Rule 15-1. (twdb) (Entered: 05/04/2023)
05/05/2023	107	THIRD AMENDED COMPLAINT against All Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated amending Amended Complaint/Petition 72 , filed by Plaintiff Jane Doe(Kauble Pachman, Krysta) (Entered: 05/05/2023)
05/19/2023	108	ANSWER to Amended Complaint/Petition, 107 <i>Defendants' Answer and Jury Demand to Plaintiff's Third Amended Complaint</i> filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated.(Boisvert, Christopher) (Entered: 05/19/2023)
06/16/2023	109	Renewed NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> filed by plaintiff Jane Doe. Motion set for hearing on 7/17/2023 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # 1 Memorandum In Support of Plaintiff's Renewed Motion to Appoint Interim Lead Class Counsel Pursuant to Fed. R. Civ. P. 23(G), # 2 Declaration of Krysta Kauble Pachman In Support of Plaintiff's Renewed Motion to Appoint Interim Lead Counsel, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7) (Kauble Pachman, Krysta) (Entered: 06/16/2023)
06/20/2023	110	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Document RE: Renewed NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> 109 . The following error(s) was/were found: Proposed order was not submitted as a separate, additional attachment to the motion In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (bm) (Entered: 06/20/2023)
06/21/2023	111	PROPOSED ORDER re Renewed NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> 109 filed by Plaintiff Jane Doe. (Kauble Pachman, Krysta) (Entered: 06/21/2023)
06/26/2023	112	MEMORANDUM in Opposition to Renewed NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> 109 filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Boisvert, Christopher) (Entered: 06/26/2023)
07/03/2023	113	REPLY in support of Renewed NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Pursuant to Fed. R. Civ. P. 23(G)</i> 109 filed by Plaintiff Jane Doe. (Attachments: # 1 Declaration of Krysta Kauble Pachman)(Kauble Pachman, Krysta) (Entered: 07/03/2023)
07/07/2023	114	ORDER by Judge Cormac J. Carney: Denying 109 Without Prejudice Plaintiff's Renewed MOTION to Appoint Interim Lead Class Counsel [Dkt. 109]. SEE DOCUMENT FOR FURTHER INFORMATION. (twdb) (Entered: 07/07/2023)
08/03/2023	115	APPLICATION of Non-Resident Attorney Joseph D. Cohen to Appear Pro Hac Vice on behalf of Miscellaneous Ashley Walling, Hongjun Zhu (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-35791596) filed by Non-Party Witness Ashley Walling, Hongjun Zhu. (Attachments: # 1 Proposed Order) (Attorney Stacy Lynne Douglas added to party Ashley Walling(pty:misc), Attorney Stacy Lynne Douglas added to party Hongjun Zhu(pty:misc)) (Douglas, Stacy) (Entered: 08/03/2023)

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08/08/2023	116	ORDER by Judge Cormac J. Carney: Granting 115 Non-Resident Attorney Joseph D. Cohen APPLICATION to Appear Pro Hac Vice on behalf of Ashley Walling, Hongjun Zhu Non party witness, designating Stacy L. Douglas as local counsel. (twdb) (Entered: 08/08/2023)
08/11/2023	117	Joint STIPULATION for Extension of Time to File Briefing deadlines related to Plaintiff's Motion for Class Certification filed by plaintiff Jane Doe. (Attachments: # 1 Proposed Order)(Kauble Pachman, Krysta) (Entered: 08/11/2023)
08/14/2023	119	ORDER RE EXTENSION OF BRIEFING DEADLINES RELATED TO PLAINTIFFS MOTION FOR CLASS CERTIFICATION by Judge Cormac J. Carney: NOTE: CHANGES MADE BY THE COURT. The Court, having reviewed the Parties' Joint Stipulation re Extension of Briefing Deadlines Related to Plaintiff's Motion for Class Certification now ORDERS as follows: 1 Plaintiff shall file any class certification motion by August 21, 2023. 2 Defendants shall file any opposition to Plaintiff's class certification motion by October 9, 2023. 3 Plaintiff shall file any reply in support of her class certification motion by October 30, 2023. 4 Plaintiff's motion for class certification shall be heard on November 13, 2023 at 1:30 p.m. IT IS FURTHER ORDERED that counsel shall serve copies of this Order on counsel for the parties in this matter. (bm) Modified on 8/15/2023 (bm). (Entered: 08/15/2023)
08/15/2023	118	APPLICATION of Non-Resident Attorney Michelle H. Yeary to Appear Pro Hac Vice on behalf of Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-35859433) filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Proposed Order on Application of Non-Resident Attorney to Appear in a Specific Case Pro Had Vice) (Sadun, Benjamin) (Entered: 08/15/2023)
08/16/2023	120	Joint STIPULATION for Order Regarding Production of Personally Identifying Information filed by Defendants 9219-1568 Quebec, Inc., MG Content RT Limited, MG Freesites II, Ltd, MG Freesites, Ltd, MindGeek S.A.R.L., MindGeek USA Incorporated. (Attachments: # 1 Proposed Order)(Boisvert, Christopher) (Entered: 08/16/2023)

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Exhibit E

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Phone: (212) 336-8330; Fax: (212) 336-8340

9 *(See additional counsel on signature page)*

10 Attorneys for Plaintiff

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **SOUTHERN DIVISION**
15

16 JANE DOE on behalf of herself and all
17 others similarly situated,

18 Plaintiff,

19 v.

20 MINDGEEK USA INCORPORATED,
21 MINDGEEK S.A.R.L., MG FREESITES,
LTD (D/B/A PORNHUB), MG
22 FREESITES II, LTD, MG CONTENT RT
LIMITED, AND 9219-1568 QUEBEC,
23 INC. (D/B/A MINDGEEK),

24 Defendants.

Case No. 8:21-cv-00338

CLASS ACTION

**PLAINTIFF'S NOTICE OF
PENDENCY OF OTHER
ACTIONS OR PROCEEDINGS**

JURY TRIAL DEMANDED

1 Plaintiff, Jane Doe, hereby files this Notice of Pendency of Other Actions or
2 Proceedings under Central District of California Local Rule 83-1.4.

3 1. This case involves substantially the same subject matter as an action
4 pending in the United States District Court for the Northern District of Alabama
5 Western Division brought by Plaintiffs Jane Doe #1 and Jane Doe #2, on behalf of
6 themselves and all others similarly situated. This action is captioned *Jane Doe. #1*
7 *& Jane Doe #2 v. MG Freesites, LTD*, Civil Action No. 7:21-cv-002200-LSC, filed
8 February 11, 2021 (“Alabama Action”).

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3. The Alabama Action is a class action seeking damages and injunctive relief against defendants MG Freesites, LTD, d/b/a Pornhub, a foreign entity, MG Freesites II LTD, a foreign entity, MindGeek S.A.R.L., a foreign entity, MindGeek USA, Incorporated, a Delaware corporation; MG CY Holdings LTD, a foreign entity, MindGeek Content RT Limited, a foreign entity, 9219-1568 Quebec Inc. d/b/a MindGeek, a foreign entity; MG Billing LTD, a foreign entity (collectively, "Defendants") based on allegations that Defendants violated the Trafficking Victims Protection Reauthorization Act ("TVPRA"), 18 U.S.C. Sections 1591 and 1595,

1 among other laws, by financially benefiting from, or otherwise participating in, a sex
2 trafficking venture in which Plaintiffs and members of the Class were victims.
3 Plaintiffs plead claims for violating Sections 1591 and 1595 of the TVPRA as
4 explained above, as well as violating Sections 2252 and 2252A by knowingly
5 receiving, possessing, and distributing child pornography on behalf of a class defined
6 as “All persons, who were eighteen years of age at the time they were depicted in any
7 video or image, (1) in any commercial sex act as defined under 18 U.S.C. §§ 1591
8 and 1595, or (2) in any child pornography as defined under 18 U.S.C. § 2252A, that
9 has been made available for viewing on any website owned or operated by the
10 Defendants.”

11 Dated: February 19, 2021

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Exhibit F

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11 (*See additional counsel on signature page*)

12 Attorneys for Plaintiff

13
14
15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**
17 **SOUTHERN DIVISION**

18 JANE DOE on behalf of herself and all
19 others similarly situated,

20 Plaintiff,

21 v.

22 MINDGEEK USA INCORPORATED,
23 MINDGEEK S.A.R.L., MG FREESITES,
24 LTD (D/B/A PORNHUB), MG
FREESITES II, LTD, MG CONTENT RT
INC. (D/B/A MINDGEEK),

25 Defendants.

Case No. 8:21-cv-00338

CLASS ACTION

**THIRD AMENDED
COMPLAINT FOR VIOLATION
OF FEDERAL SEX
TRAFFICKING LAWS**

JURY TRIAL DEMANDED

NATURE OF THE ACTION

1
2 1. Plaintiff brings this proposed class action for damages and injunctive
3 relief on behalf of herself and all persons who were under the age of 18 when they
4 appeared in a video or image that has been uploaded or otherwise made available for
5 viewing on any website owned or operated by Defendants in the last ten years.

6 2. As alleged below, over the course of the last decade, Defendants have
7 knowingly benefited financially from thousands—if not millions—of videos posted
8 to their various websites featuring victims who had not yet reached the age of
9 majority. Rather than address this horrifying and pervasive trend, for years,
10 Defendants took almost no action, refusing to so much as institute any semblance of
11 an age-verification, or other, policy that would prevent the uploading of this deeply
12 problematic content.

13 3. The reason for Defendants' inaction is simple: greed. As Pornhub's
14 own Senior Community Manager publicly acknowledged via a Reddit post, **age**
15 **verification would be a "disaster"** for Pornhub because it **"costs us money to**
16 **verify"** and would result in a **50% reduction in traffic**.



1 either directly or through intermediary companies also under the control MindGeek
2 S.A.R.L.

3 9. Defendant MindGeek S.A.R.L. is a foreign entity (a Société à
4 responsabilité limitée) organized and existing under the laws of Luxembourg and
5 conducting business in the United States, including in this District. Although
6 incorporated in Luxembourg, MindGeek S.A.R.L.'s principal place of business is
7 Montreal, Canada, and has satellite offices in, among other places, Los Angeles,
8 California.

9 10. Defendant MG Freesites, Ltd. (d/b/a Pornhub) is a company
10 incorporated in the Republic of Cyprus and conducting business in the United States,
11 including in this District. Upon information and belief, MG Freesites, Ltd. is a
12 wholly owned subsidiary of MindGeek S.A.R.L., either directly or through
13 intermediary companies that are also under the control of MindGeek S.A.R.L. Upon
14 information and belief, MG Freesites, Ltd. is predominantly under the control of and
15 operated by directors, officers, and employees working in MindGeek's offices in the
16 United States and Canada, with little business operations being conducted within the
17 Republic of Cyprus.

18 11. Defendants MG Freesites II, Ltd. is a company incorporated under the
19 laws of the Republic of Cyprus conducting business throughout the United States,
20 including within this District.

21 12. Defendant MG Content RT Limited is a company organized under the
22 laws of Ireland conducting business throughout the United States, including within
23 this District.

24 13. Defendant 9219-1568 Quebec, Inc. (d/b/a MindGeek) is a company
25 organized and existing under the laws of Canada with a principal place of business
26 located in Montreal, though it conducts business throughout the United States,
27 including within this District.

1 14. Herein, “Defendants” or “MindGeek” refers to MindGeek S.A.R.L.,
2 MG Freesites, Ltd., MG Freesites II, Ltd., MG Content RT Limited, 9219-1568
3 Quebec, Inc., MindGeek USA Incorporated, and all of their parents, subsidiaries and
4 affiliates.

5 15. Defendants have incorporated dozens of subsidiaries and related
6 companies around the world, the details of which are unknown to the Class at this
7 time. However, all the MindGeek entities operate as a single business enterprise,
8 commingling their funds and other assets to shelter and avoid liabilities and to hide
9 the identity of their owners, and are jointly and severally liable in this action as alter
10 egos of one another.

11 16. Plaintiff is unaware of any MindGeek-related entity that does not act at
12 the direction of the MindGeek enterprise operated by Defendants.

13 **JURISDICTION AND VENUE**

14 17. This Court has original subject matter jurisdiction pursuant to 28 U.S.C.
15 § 1331.

16 18. The claims asserted herein arise under 18 U.S.C. § 1595(a). Pursuant to
17 Section 1595(a), “an individual who is a victim of a violation of this chapter” may
18 bring a civil action in “an appropriate district court of the United States and may
19 recover damages and reasonable attorneys fees.”

20 19. The court may properly exercise personal jurisdiction over all
21 Defendants. Each of the Defendants maintains minimum contacts with this District,
22 such that maintenance of this lawsuit does not offend traditional notions of fair play
23 and substantial justice.

24 20. Defendants have offices in this State and this District, conducting
25 business directly related to the websites at issue in this case. Specifically, MindGeek
26 USA Incorporated is a corporation organized and existing under the laws of the state
27 of Delaware, with an established place of business located at 23000 West Empire
28 Avenue, 7th Floor, Burbank, California 91504. According to recent papers filed with

1 the California Secretary of State, MindGeek USA Incorporated also maintains a
2 business, mailing, and street address at 21800 Oxnard Street, Suite 150, Woodland
3 Hills, California 91367. Collectively, Defendants transmit millions upon millions of
4 videos and images to and from this State on an annual basis. And according to
5 analytics Defendants recently posted on Pornhub.com, Los Angeles, California is the
6 fourth city by volume of Pornhub.com usage.

7 21. Defendants have also purposefully availed themselves of this Court's
8 jurisdiction, including in the case of MindGeek S.A.R.L. and MindGeek USA, Inc.,
9 by having litigated in this District. *See Preservation Technologies, LLC v. MindGeek*
10 *USA, Inc. and MindGeek S.A.R.L.*, Case No. 2:17-cv-08906-DOC-JPR (C.D. Cal.).

11 22. Jurisdiction is further appropriate under 18 U.S.C. §1596, which
12 provides for jurisdiction over any offender, in addition to any "domestic or extra-
13 territorial jurisdiction otherwise provided by law," where the offender is "present in
14 the United States, irrespective of the nationality of the alleged offender."

15 23. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because a
16 substantial part of the events or omissions giving rise to the claims asserted in this
17 action occurred in the judicial district where this action was brought. Venue is also
18 appropriate in this district because defendant MindGeek USA, Inc. maintains a place
19 of business in this district.

20 **I. SEX TRAFFICKING AND CHILD PORNOGRAPHY ON THE**
21 **INTERNET**

22 24. Sex trafficking and the proliferation of child pornography are rapidly
23 growing problems in the United States. Human trafficking is a 150-billion-dollar
24 industry. Out of an estimated 40.3 million victims, 25% are children.¹

25 25. The rise of the Internet and e-commerce has facilitated the rapid growth
26 of the market for child pornography online. The Internet and digital technologies

27 ¹ [https://coil.com/p/RileyQ/Child-Trafficking-What-You-Need-To-](https://coil.com/p/RileyQ/Child-Trafficking-What-You-Need-To-Know/mj4WEwhW7)
28 [Know/mj4WEwhW7](https://coil.com/p/RileyQ/Child-Trafficking-What-You-Need-To-Know/mj4WEwhW7)

1 have created new models for sexual exploitation and trafficking, which are hidden
2 and protected by cryptocurrency, laundered money, foreign Internet servers and
3 anonymous messaging applications. The Child Rescue Coalition alone has identified
4 71 million unique IP addresses worldwide sharing and downloading sexually explicit
5 images and videos of children.²

6 26. The Internet is the number one platform for customers to buy and sell
7 sex with children in the United States. Many sex buyers use the Internet to identify
8 and connect with sellers and victims. Traffickers, in turn, use online networks, social
9 media, websites, and dating tools to disguise their identities while identifying
10 potential victims, which reduces traffickers' chances of being caught by law
11 enforcement.

12 27. Americans are some of the top consumers and producers of child
13 pornography. According to the U.S. Department of Justice, "Federal law defines
14 child pornography as any visual depiction of sexually explicit conduct involving a
15 minor (persons less than 18 years old)."

16 28. According to the National Center for Missing & Exploited Children
17 ("NCMEC"), their cyber tip line has received more than 50 million reports of
18 suspected child exploitation from 1998 through 2019, with 18.4 million reports in
19 2018 alone. The vast majority of these reports contain child sexual exploitation
20 material ("CSEM"), most of which is on the Internet. North America now hosts 37%
21 of child sexual exploitation content and children under the age of 10 now account for
22 22% of online porn consumption among those under the age of 18, while 10-14 year-
23 olds make up 36%.³

24 29. The link between sexual exploitation and pornographic videos is
25 undeniable. According to an article by Melissa Farley, 49 percent of sexually

26 ² *Id.*

27 ³ <https://www.prnewswire.com/news-releases/enough-is-enough-calls-on-doj-to-investigate-mindgeek-for-a-trifecta-of-potential-us-law-violations-child-abuse-material-trafficking-videos-and-obscene-content-301196447.html>
28

1 exploited women say pornographic videos of them were made while they were being
2 sold for sex.⁴

3 30. Survivors of CSEM are significantly impacted—emotionally, mentally,
4 and physically—as a result of their abuse, and experience continuing and pervasive
5 symptoms such as feelings of shame and humiliation, powerlessness, hopelessness,
6 fear, anger, anxiety, and depression, as well as sleeping disturbances, body image
7 disturbances, self-harm behaviors, eating disorders, and suicidal ideation. According
8 to one study, survivors of CSEM are likely to be re-victimized and to receive
9 blackmail and threats as a result of their initial victimization via CSEM.⁵

10 **II. THE TVPA AND TVPRA**

11 31. In response to the growing problem of sex trafficking, in 2000, Congress
12 passed the Trafficking Victims Protection Act (“TVPA”), which laid the groundwork
13 for the federal response to human trafficking.

14 32. In 2003, Congress reauthorized the TVPA and passed the Trafficking
15 Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, § 4(a)(4)(A),
16 117 Stat. 2875, 2878 (2003) (“TVPRA”). Under the TVPRA, trafficking victims can
17 sue their traffickers in federal court.

18 33. In 2008, Congress amended the TVPRA to make it easier for victims of
19 trafficking violations to bring civil suits. First, the civil remedy was expanded to
20 include enterprise liability. It was likewise expanded to include anyone who
21 “knowingly benefits, financially or by receiving anything of value from participation
22 in a venture which that person knew or should have known has engaged
23 in an act in violation of this chapter.” 18 U.S.C. § 1595(a). Second, Congress
24 expanded the statute’s reach to include extraterritorial jurisdiction for certain
25

26 ⁴ “Renting an Organ for Ten Minutes: What Tricks Tell Us about Prostitution,
27 Pornography, and Trafficking,” in *Pornography: Driving the Demand in*
28 *International Sex Trafficking*, ed. David E. Guinn and Julie DiCaro (Bloomington,
IN: Xlibris, 2007), 145.

⁵ https://protectchildren.ca/pdfs/C3P_SurvivorsSurveyFullReport2017.pdf

1 trafficking offenses. *Id.* The statute of limitations is ten years, or ten years after the
2 victim turned 18 if the victim was a minor. *See id.* § 1595(c).

3 34. Commercialization of sex acts involving minors is a violation of the
4 TVPRA. Under the TVPRA,

5 (a)Whoever knowingly—

6 (1) in or affecting interstate or foreign commerce, or within the special
7 maritime and territorial jurisdiction of the United States, recruits, entices,
8 harbors, transports, provides, obtains, advertises, maintains, patronizes, or
9 solicits by any means a person; or

10 (2) benefits, financially or by receiving anything of value, from participation
11 in a venture which has engaged in an act described in violation of paragraph
12 (1), knowing, or, except where the act constituting the violation of paragraph
13 (1) is advertising, in reckless disregard of the fact, that means of force, threats
14 of force, fraud, coercion described in subsection (e)(2), or any combination of
15 such means will be used to cause the person to engage in a commercial sex
16 act, or that the person has not attained the age of 18 years and will be caused
17 to engage in a commercial sex act, shall be punished as provided in subsection
18 (b).

19 18 U.S.C. §1591(a). Under §1595(a), not only perpetrators who act “knowingly”
20 under §1591, but also “whoever knowingly benefits, financially or by receiving
21 anything of value from participation in a venture which that person knew or should
22 have known has engaged in an act in violation of this chapter” is civilly liable.

23 35. Defendants knowingly benefit from CSEM on their websites. By
24 encouraging sensational and illegal content to be posted on their websites,
25 Defendants receive substantial advertising revenues. By encouraging and benefitting
26 from CSEM, Defendants participate in the venture and indeed facilitate the conduct
27 of sex traffickers, including those sex traffickers who deal specifically with children
28 and child pornography.

36. In 2018, in response to platforms such as those run by Defendants knowingly allowing human trafficking to occur and profiting from it, Congress passed the Allow States and Victims to Fight Online Sex Trafficking Act/Stop Enabling Sex Traffickers Act (FOSTA/SESTA). Pornhub and other tube sites run by Defendants previously sought to use Section 230 of the Communications Decency Act to whitewash their liability. FOSTA/SESTA was enacted to close that perceived loophole, including for website BackPage.com, which “for years, ha[d] been accused of accepting classified ads promoting prostitution which allegedly resulted in sex trafficking of . . . minors.”⁶ Because “section 230” was “never intended to provide legal protection to websites that unlawfully promote and facilitate . . . traffickers,” and—under the purported shield of Section 230—websites had been “reckless in allowing the sales of sex trafficking victims and *have done nothing to prevent the trafficking of children*,” Congress “clarifi[ed]” Section 230. PL 115-164, 132 Stat 1253 (2018) (emphasis added).

37. The statute now makes it clear that websites and other platforms may be held liable for, among other things, knowingly assisting, facilitating, or supporting sex trafficking, and clarifies the Communications Decency Act’s Section 230 safe harbors to authorize enforcement of federal or state sex trafficking laws.

III. DEFENDANTS’ BUSINESS MODEL

38. Defendants constitute a series of privately held companies that operate many popular pornographic websites, including, among others, Pornhub, RedTube, and YouPorn. Defendants also operate many adult film production companies, including Brazzers, Digital Playground, Men.com, Reality Kings, Sean Cody, and WhyNotBi.com.

39. As explained by Defendants’ leadership in a recently authored letter to the Canadian Parliament:

⁶<https://www.forbes.com/sites/larrymagid/2018/04/06/doj-seizes-backpage-com-weeks-after-congress-passes-sex-trafficking-law/?sh=42687f0350ba>

Our flagship video sharing platform is Pornhub. Created in 2007, Pornhub is a leading free, ad-supported, adult content hosting and streaming website, offering visitors the ability to view content uploaded by verified users, models, and third-party adult entertainment companies. Pornhub Premium, our subscription service, provides subscribers with additional exclusive studio-produced content in an ad-free environment.⁷

40. In 2019, Pornhub had roughly 42 billion visits, an average of 115 million visits per day. This made Pornhub the eighth most visited website in the United States, falling just behind such household names as: Google.com (1st), YouTube.com (2nd), Facebook.com (3rd), Amazon.com (4th), Yahoo.com (5th), Twitter.com (6th), and Instagram.com (7th). And beating out such other household names as: Wikipedia.org, Zillow.com, and Zoom.us.⁸

41. Further, according to analytics Defendants have posted on Pornhub.com, the United States is the top country by volume of Pornhub.com usage and, Los Angeles, California is the fourth city by volume of the same.

42. Defendants' leadership, of course, is aware of its massive success. In their letter to Canadian Parliament, Defendants' executives wrote:

Demand for online adult entertainment is as old as the internet. Demand for MindGeek's content rivals that of some of the largest social media platforms. For example, in 2020, Pornhub averaged over 4 million unique user sessions per day in Canada alone, equivalent to over 10% of the adult Canadian population.⁹

⁷<https://www.ourcommons.ca/Content/Committee/432/ETHI/Brief/BR11079307/br-external/MindGeek-e.pdf>

⁸<https://www.similarweb.com/top-websites/united-states/>

⁹<https://www.ourcommons.ca/Content/Committee/432/ETHI/Brief/BR11079307/br-external/MindGeek-e.pdf>

1 **A. Defendants’ Business Embraces User-Generated Uploads of**
2 **Commercial Sex Acts**

3 43. The most popular feature on Pornhub is a searchable library. As of
4 December 1, 2020, Pornhub had about 14,000,000 pornographic videos in its free
5 video library.

6 44. Pornhub and many of the other websites operated by Defendants are
7 “tube sites.” Meaning, Pornhub’s interface is similar to YouTube, with individual
8 users—not formal studios—uploading much of the content and comments available
9 for viewing.

10 45. Pornhub depends heavily on this community of user-creators. Until
11 recently, in order to upload a video or image to Pornhub, all a user need do was create
12 an account, click on the upload button next to the search bar, upload their content,
13 and decide whether the content should be shown in standard or high definition.¹⁰

14 46. The process takes less than ten minutes. A user can post any video or
15 image of any person doing anything without any consequences. The user does not
16 have to demonstrate that he or she owns the copyrights in the content, that those
17 depicted in the content have consented, or that those depicted in the content are of
18 majority age.

19 47. Defendants make it easy for users to upload to its network of websites
20 to maximize their exposure, which includes Pornhub , Redtube, and YouPorn.

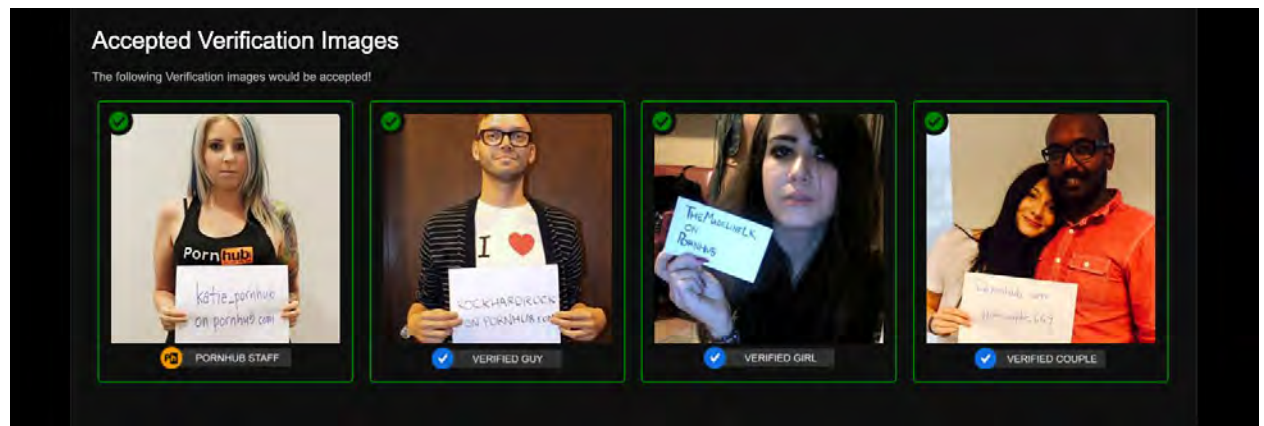
21 48. Defendants also have mechanisms for users to participate in the profits
22 from their content. For example, to the extent a user is hoping to participate in the
23 earnings from their uploads to Pornhub, Pornhub has a Model Program, in which
24 users get “verified” by Pornhub staff and are paid a percentage of the ad revenue
25 made on their verified content. Participating users are paid as much as 80% of the
26
27

28 ¹⁰ <https://help.pornhub.com/hc/en-us/articles/229817547-How-do-I-upload-videos->

advertising revenue generated by their videos, based on the number of video views and performance of the advertisements by clicks, user country, and sales.¹¹

49. Getting verified in Pornhub’s Model Program only requires a user to upload a photo purportedly of himself or herself showing their username. In describing verification, Pornhub encouraged users to “prove that you are real, stand out and attract more attention from other Pornhub community users!” But all that is needed is a Pornhub account, an avatar uploaded to the user’s account, and a verification image. The verification image requires only that the user hold up a photo with his or her username and pornhub.com written on it (or written on the user’s body). Pornhub requires that the video show a picture of the user’s face and required that the user not wear a mask or sunglasses in the picture.

50. The below are actual examples given by Pornhub showing all that has been required for a user to become verified with Pornhub’s “Model Program.”

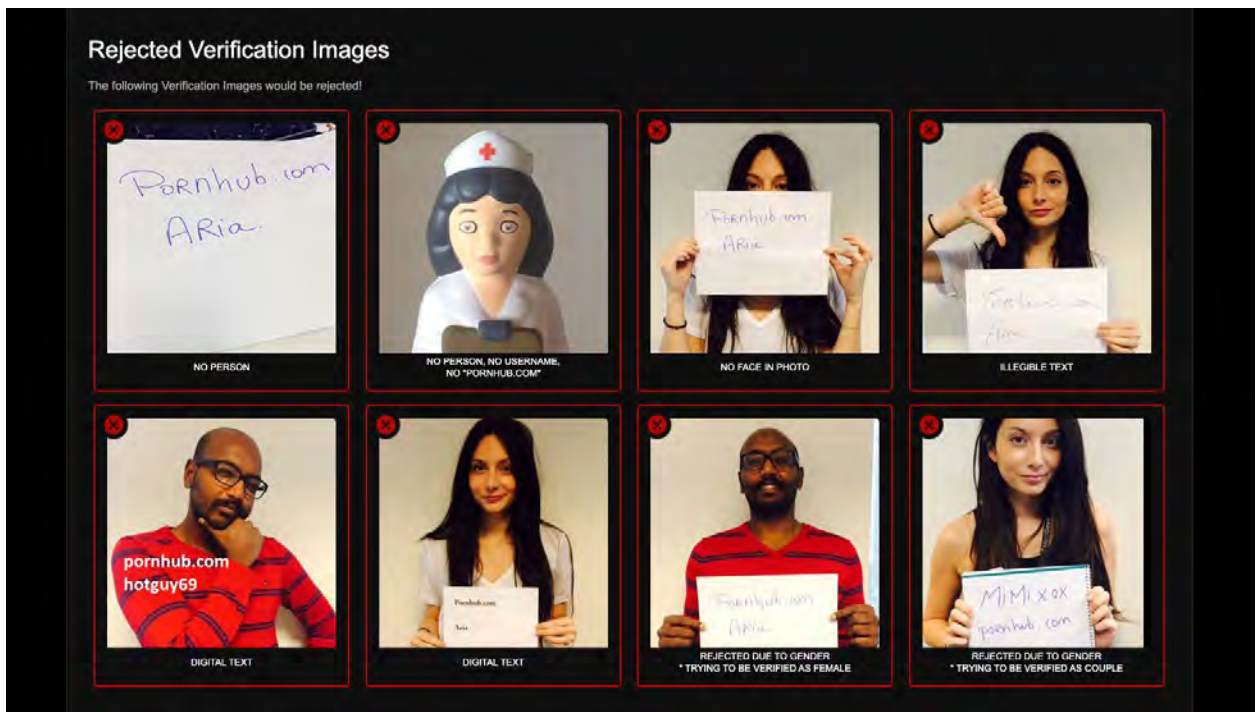


51. In order to sign up in Pornhub’s Model Hub program, a user is not even required to list his or her birthdate. If a user clicks through the signup process, he or she is only alerted if they fail to note their gender on the Model Hub application.

52. Indeed, Pornhub lists many reasons on their site why a Model Hub Verification Image might be rejected. The fact that an applicant may not be 18 years old is not one of the reasons. The only reasons described on Pornhub’s site are: (1)

¹¹<https://help.pornhub.com/hc/en-us/articles/360046090414-Earnings-and-Payments>

the photo does not show a person, (2) the photo does not show a username, (3) the photo does not say “pornhub.com,” (4) the model’s face is not in the photo, (5) the text is illegible, (6) the text is digital (vs. handwritten), (7) the applicant tries to be verified using a gender other than what is listed on their application, and (8) the applicant tries to be verified as a couple when the applicant is a single person:



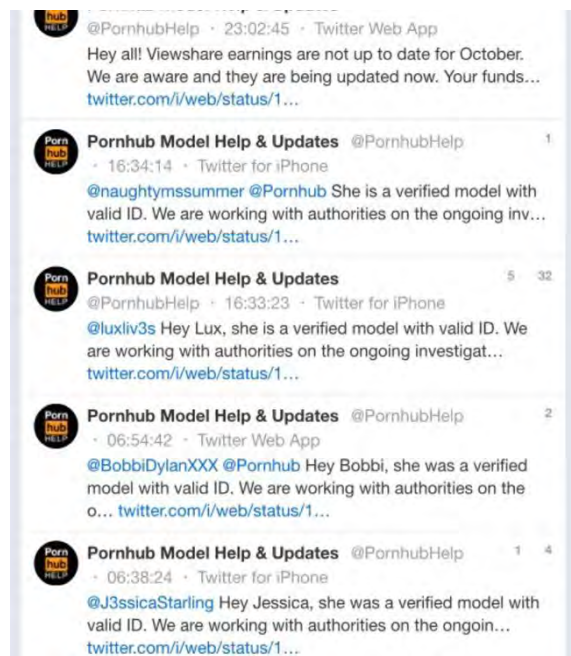
53. In short, no age verification exists. The only time age is even referenced in the process is when Pornhub requires a user to check a box indicating that they are over the age of 18 when uploading their photograph. Defendants take no action to confirm the age of the model applicant in the submission process.

54. There is also the other problem that even if a Model Hub applicant posted a legitimate photo of themselves where they were over the age of 18 in order to obtain Pornhub’s “verification” checkmark, there is nothing to stop Model Hub users from uploading videos of someone else who is not over the age of 18.

55. For “verified” Model Hub users, the name is obviously deceptive, as the only thing MindGeek verifies is that someone can hold up a piece of paper with writing on it. There is no requirement to use government-issued identification. And

1 the verification process has nothing to do with the people **appearing** in the videos or
2 images, whose age, as described more below, also went entirely unverified.

3 56. Clearly, the so-called “verification” process associated with Modelhub
4 does nothing to protect victims of child sex trafficking. Pornhub acknowledged as
5 much when it admitted to giving its “seal of approval” for 58 videos in which a 15-
6 year-old girl was repeatedly assaulted, allowing Pornhub and the victim’s traffickers
7 to profit from her repeated rape.



20 57. Another way in which MindGeek stands out is that, until very recently,
21 any user of MindGeek could also download videos and images from its websites.
22 This meant that even if victims could convince a website to take down a video
23 depicting child pornography, their videos were frequently uploaded anew and/or
24 recirculated on other websites by users who had already downloaded the content.

25 58. Defendants permit their users to send each other private, direct
26 messages. Users use such private, direct messages to send each other information
27 about how to access CSEM. Defendants also permit users to create their own private
28

1 folders to privately upload and share videos and images—including CSEM—
2 privately.¹²

3 59. Defendants also created their own VPN to make it even more difficult
4 for law enforcement to locate traffickers. Pornhub also supports the use of
5 cryptocurrency on its site.¹³

6 60. Pornhub has also created a tor site to anonymize web traffic and prevent
7 law enforcement from tracking users' activities.¹⁴

8 **B. Defendants Create and Produce Their Own Content**

9 61. In addition to permitting users to upload content to Defendants'
10 websites, Defendants create and produce their own content. In a 2017 interview,
11 MindGeek's Fabian Thylmann acknowledged that Pornhub was producing and
12 creating content, especially live content, noting that "in terms of money making,
13 live content can't be copied and it can't be stolen in the end because it's all on the
14 live at that point so it's not interesting anymore so therefore that is a huge driver
15 for the business and it's a very important one and it completely changes the kind
16 of hosting you need and so on."¹⁵

17 62. When asked "Does that also mean . . . *you've got to go more*
18 *upstream into the production end* of it it's not just distribution and serving it's
19 *creating* the content now if it's all live, is that a fair assumption in terms of
20 business model evolution?" Mr. Thylmann responded, "Yes, I mean to make
21 money either way to make real good money you need to either way, or even back
22 then I just had a good mix of it so this was the strength of Manwin that it had the
23 mix of both creation and and and tube sites but it's getting more and more
24 important today so the big companies the real money makers in the business if

25 ¹² See, e.g., [https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-](https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf)
26 [mickelwaitl-20210325.pdf](https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf)

27 ¹³ <https://www.theverge.com/2018/5/24/17382144/pornhub-launches-vpn-vpnhub>

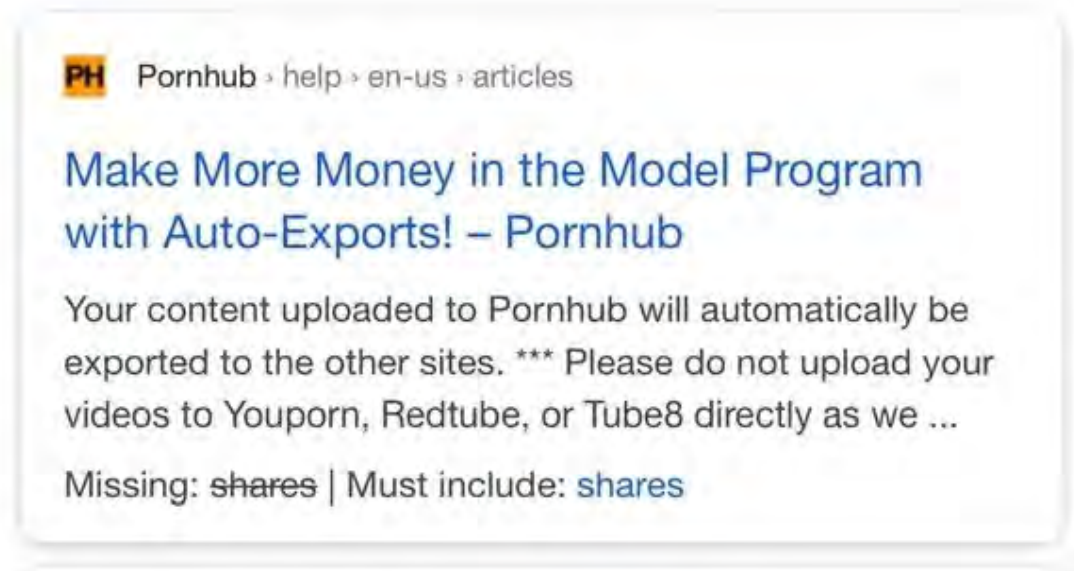
28 ¹⁴ [https://www.pcmag.com/news/pornhub-is-now-available-as-a-tor-site-to-protect-](https://www.pcmag.com/news/pornhub-is-now-available-as-a-tor-site-to-protect-users-privacy)
[users-privacy](https://www.pcmag.com/news/pornhub-is-now-available-as-a-tor-site-to-protect-users-privacy)

¹⁵ <https://youtu.be/ILKW9PNQAbM>

1 you look at a single websites they are without a question the live things and not
2 necessarily the ones that have the traffic. They make obviously good money but
3 if you look at the amount of money that the live systems make it's a lot better, so
4 so that's the more important part."¹⁶

5 63. "Teen" is one of Defendants' top live content categories.

6 64. Defendants also upload content from Pornhub to other websites,
7 including YouPorn, RedTube, and Tube8. Indeed, for users in Defendants' revenue-
8 sharing Model Program, Defendants automatically upload content from Pornhub to
9 their other websites such as YouPorn, RedTube, and Tube8, and share revenue from
10 advertisements on videos on those sites with their users.



21 65. Defendants own a number of other sites, including movie studios, reality
22 sites, and managed sites, including Brazzers, Babes.com, Reality Kings, Digital
23 Playground, Twistys, Men, Mofos.com, mydirtyhobby, SexTube, .webcam, Wicked,
24 Lesbea.com, and Playboy.¹⁷

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27 ¹⁶ *Id.*

28 ¹⁷ <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>

1 **C. Defendants Knowingly Benefit From Child Sex Trafficking**

2 **1. Defendants Have Earned Enormous Profits**

3 66. Defendants make money from trafficking with premium subscriptions,
4 advertising, and selling user data.

5 67. For \$9.99/month, users can pay for a “premium” subscription, which
6 lets them access content behind a paywall that is different from the content free users
7 can see.¹⁸

8 68. Defendants also sell banner and sidebar advertisements, as well as
9 advertisements that appear before and after videos.¹⁹ Defendants place those
10 advertisements on videos featuring CSEM.²⁰

11 69. Defendants generate substantial advertising revenue by hosting
12 advertisements on their sites using their TrafficJunky ad network and other sites,
13 which receive billions of ad impressions on a daily basis.

14 70. Defendants also harvest and monetize vast amounts of user data that
15 they share with advertisers and other companies.²¹

16 71. Defendants also make deals with sex traffickers by featuring videos of
17 trafficked minors in exchange for a cut of the proceeds. For example, Pornhub takes
18 a cut of users’ earnings from the Modelhub program. Under the Modelhub program,
19 which had 98,000 “amateur” models in 2019, “verified” users can sell their videos
20 and Pornhub takes a 35% cut of all sales. Models can also select to include their
21 videos on Pornhub Premium and earn a share of revenue from video views. They
22 can create subscription services of their fans, called a “Fan Club,” for which Pornhub
23 takes a 20% cut of revenue, and can also make “custom clips” in response to requests

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¹⁸[https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-](https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf)
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1 by “fans,” for which Pornhub takes a 35% cut of all sales. Models can also receive
2 direct “tips” on their Pornhub or Modelhub profile, and Pornhub takes a 20% cut of
3 all tip revenue.²²

4 72. There’s no question that financial considerations drive the content on
5 MindGeek’s websites. MindGeek collects money from ads featured with its unpaid
6 videos, and shares some of that revenue with the users that post the content. It also
7 collects subscriptions from premium users of its websites. Those subscriptions
8 generated \$1.3 billion in revenue between 2012 and 2018.²³ Following an
9 investigation from the *New York Times* revealing the extent of child pornography
10 featured on Pornhub’s website, multiple financial institutions, including Visa,
11 Mastercard, and Discover, stopped processing transactions for Pornhub. Within
12 days, Pornhub removed 10 million videos, nearly two-thirds of the videos on its site.
13 After the *New York Times* investigation, MindGeek’s auditor, Grant Thornton,
14 resigned.²⁴

15 73. Pornhub has since made modifications to its website, like limiting
16 content to that posted only by “verified” users in its Model Hub program. Of course,
17 as described above, restricting content on Pornhub to only “verified” users is
18 meaningless because Pornhub has no age verification process in place to confirm that
19 “verified” users are over the age of 18. Nor does Pornhub have a mechanism in place
20 to confirm that the user posting the video or photograph is the same as the user
21 depicted in the video or photograph.

22 74. In April 2021, Pornhub published its first “transparency report,”
23 detailing its supposed efforts to, for example, locate and remove CSEM from its
24 website.²⁵ In that report, Pornhub claims to use a variety of automated image-

25 ²² [https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-](https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf)
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27 ²³ [https://www.irishtimes.com/business/economy/grant-thornton-resigns-as-auditor-](https://www.irishtimes.com/business/economy/grant-thornton-resigns-as-auditor-to-firms-owned-by-pornhub-operator-1.4480517)
28 [to-firms-owned-by-pornhub-operator-1.4480517](https://www.irishtimes.com/business/economy/grant-thornton-resigns-as-auditor-to-firms-owned-by-pornhub-operator-1.4480517)

²⁴ *Id.*

²⁵ <https://help.pornhub.com/hc/en-us/articles/1260803955549-Transparency-Report>

1 recognition technologies used for detecting child pornography. Companies like
2 Pornhub are legally required to report CSEM to NCMEC, which maintains a database
3 of known CSEM.^{26, 27} From that database, NCMEC creates unique “hashes” that
4 represent the CSEM, and can be used with image-recognition technologies to
5 automatically identify other instances (or near instances) of those same images and
6 videos.²⁸ For example, “PhotoDNA is able to compare the attributes of any given
7 images with those of illegal images to seek out matches,” and “much of the process
8 is entirely automated and hands-off.”²⁹

9 75. PhotoDNA has been available, for free, to qualified organizations since
10 2014.³⁰ On information and belief, Defendants did not begin using PhotoDNA, or
11 any other well-known and long-available image-recognition technologies to identify
12 and remove CSEM, until it disclosed that use for the first time in the 2021 Pornhub
13 “transparency report.”

14 **2. Defendants Facilitate Child Sex Trafficking By Encouraging** 15 **Users To Target Underage Content**

16 76. In an effort to attract attention and revenues (for themselves and
17 Defendants), users post content that generates traffic. Often this content is child
18 pornography.

19 77. Defendants also capitalize on the ability of CSEM to drive traffic to their
20 sites. Even after the National Center for Missing and Exploited Children has called
21 for the removal of CSEM, Defendants have left the links to the videos on their sites
22 (with only the videos removed) to continue to drive web traffic.

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25 ²⁶ <https://www.justice.gov/opa/pr/acting-ag-and-five-country-statement-temporary-derogation-eprivacy-directive-combat-child>

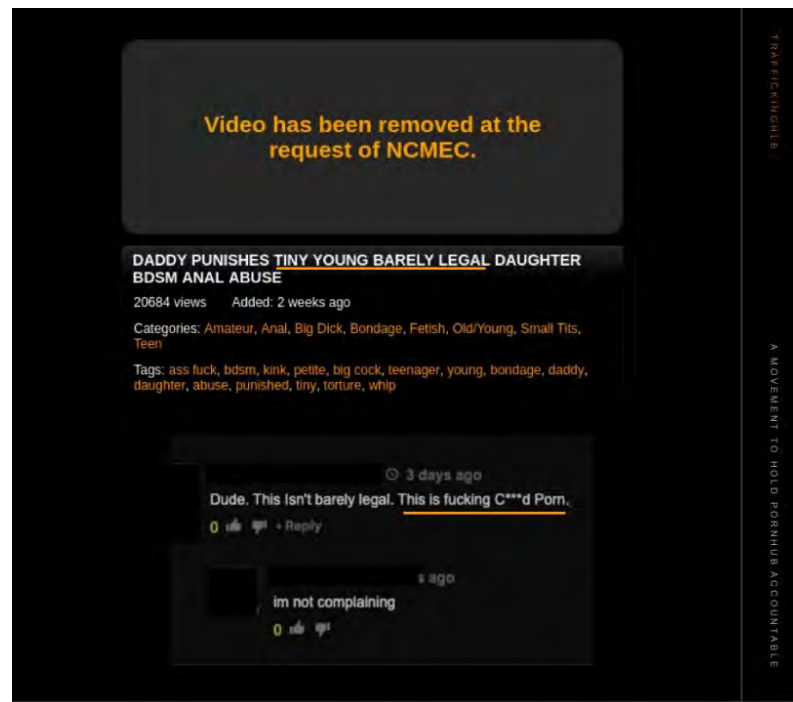
26 ²⁷ <https://en.wikipedia.org/wiki/PhotoDNA>

27 ²⁸ <https://en.wikipedia.org/wiki/PhotoDNA>

28 ²⁹ <https://betanews.com/2015/07/17/microsoft-photodna-weeds-out-illegal-child-porn-and-abuse-images/>

³⁰ <https://en.wikipedia.org/wiki/PhotoDNA>

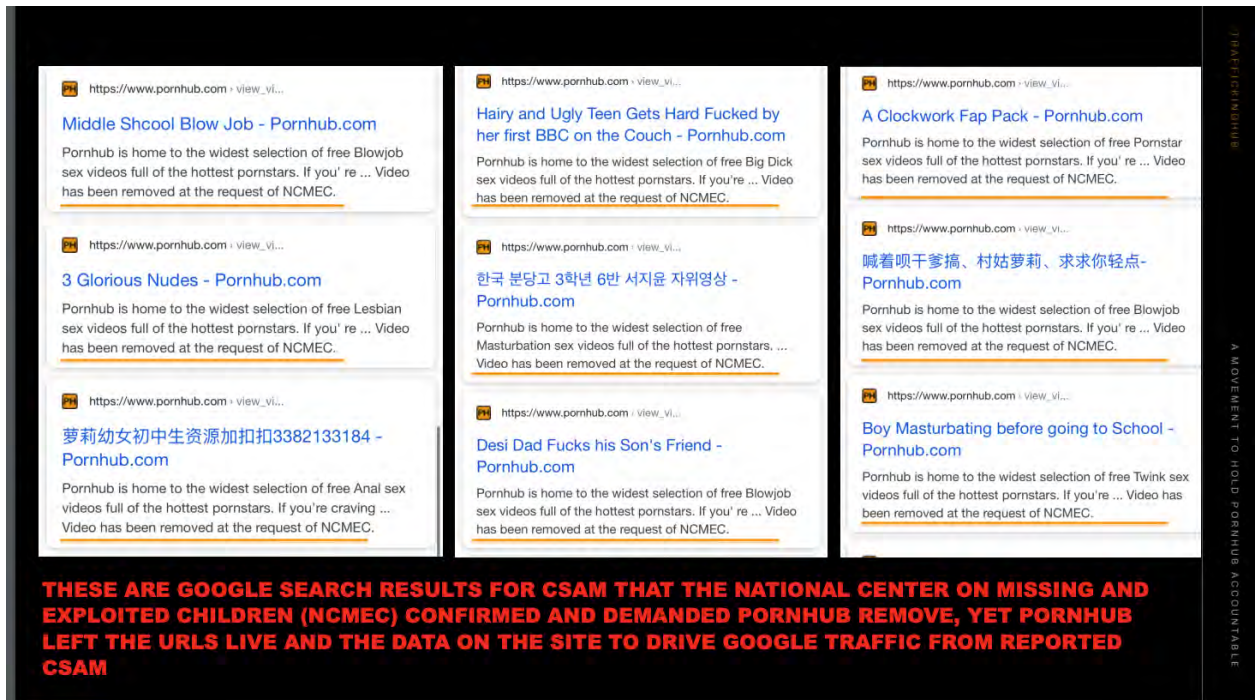
78. In one instance, a prepubescent victim was anally raped in a video featured on Pornhub. The video was uploaded to the site three times. There is documented evidence the video was reported but Pornhub did not act until someone reported the content to National Center for Missing and Exploited Children. Even after Pornhub was forced to remove the video, it left the link, title, and tags on the site to continue to drive traffic.³¹



79. This is not an isolated incident. There are countless other examples where Pornhub has left up links, titles and tags to videos for which NCMEC demanded removal.³²

³¹ <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>

³² <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>



80. Pornhub also “featured” a video called “Hidden camera – girls in the toilet at the prom 2,” which was clearly intended to target users interested in CSEM.³³

81. Defendants knowingly participate in and capitalize on this user interest. In December of 2020, searches of Pornhub for terms like “girlsunder18” or “14yo” lead to more than 100,000 videos.³⁴ What’s more, Pornhub has recently offered playlists with names like “less than 18,” “the best collection of young boys,” and “under---age” in an effort to entice users who would like to see, and/or upload, content featuring underage victims.³⁵ Pornhub also allows members with names like “13yoboyteen” to post videos.³⁶ And Defendants have intentionally deleted words from video titles that describe criminal content, but left the actual videos on its site.

82. Defendants also use the massive quantity of data they collect about their users to facilitate the distribution of child pornography. By collecting data about its users, Defendants are able to track users’ preferences. When a user signs up to for a

³³<https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>

³⁴ <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

³⁵ *Id.*

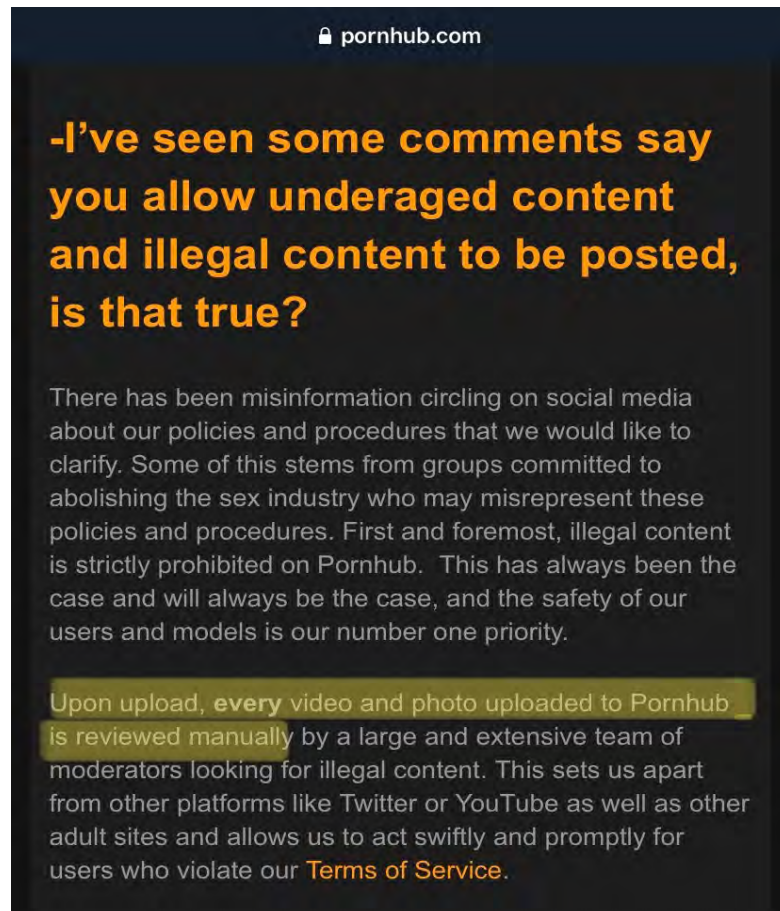
³⁶ *Id.*

1 Pornhub account, he or she is directed to fill out a survey describing their preferences,
2 including hair, color, body art, ethnicity, and breast size. The user describes their
3 sex, sexual preference, and whether they are single or part of a couple. The user is
4 also presented with dozens of Pornhub categories to choose from, including
5 “babysitter,” “college,” and “school” categories. Pornhub also recommends that
6 users sign up to follow certain channels, “pornstars,” and community members to
7 better target the content they receive. And, of course, Pornhub asks whether a user
8 prefers to view “professional” or “homemade” videos. Pornhub then uses this
9 information to target users with videos that suit their preferences.

10 83. Even for users who don’t voluntarily provide all of this data to Pornhub,
11 Pornhub acquires a significant amount of data. Whenever a user views a page on
12 Pornhub, the website automatically receives their IP address, how full their battery
13 is, what browser version they are using, their time zone, their system fonts, their
14 screen resolution, and what plugins they have installed.³⁷ This allows Pornhub to
15 create a digital fingerprint that tracks users over time and across websites. As
16 Pornhub learns more about its users’ preferences, it suggests videos it thinks they
17 will like. So if a user indicates a preference for child pornography, Pornhub
18 intentionally directs that user to its illegal content.

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28 ³⁷ <https://www.vice.com/en/article/kzmmpa/pornhub-xhamster-data-about-you>

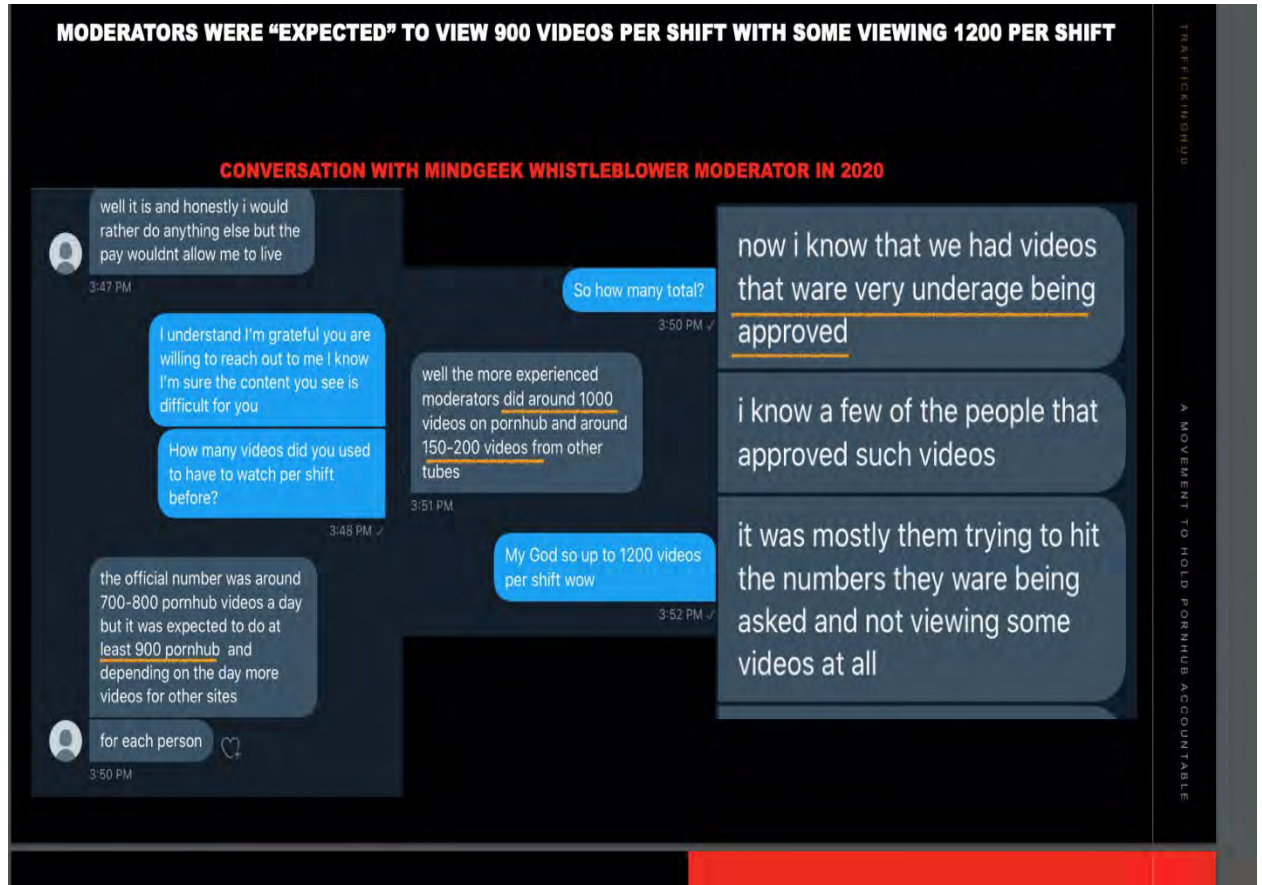
84. Besides the entirely inadequate verification process described above, until very recently, Defendants’ only “protection” against the posting of underage content and other illegal content is that they hire certain moderators who view “every video and photo uploaded to Pornhub.”



85. Although Defendants claim the goal of content moderation is to locate and prevent the streaming of child pornography and other illegal material, the truth is that “the goal for a content moderator is to let as much content as possible go through” because Defendants’ focus is maximizing revenue.³⁸

86. Former Pornhub moderators have confirmed that videos of “very underage” victims were approved because of the pressure to view as many videos as possible, upwards of 1,200 videos per shift.

³⁸ <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>



87. By way of example, in one video, the comments indicated that the girl featured in the video was “only in ninth grade” and the tags used in advertising the video contained the phrases “cp,” “no18,” “young,” and “youngster.” Not only was this video on Pornhub’s website, but this was a “featured video,” which means that Pornhub chose to advertise this video as a means to get additional views.



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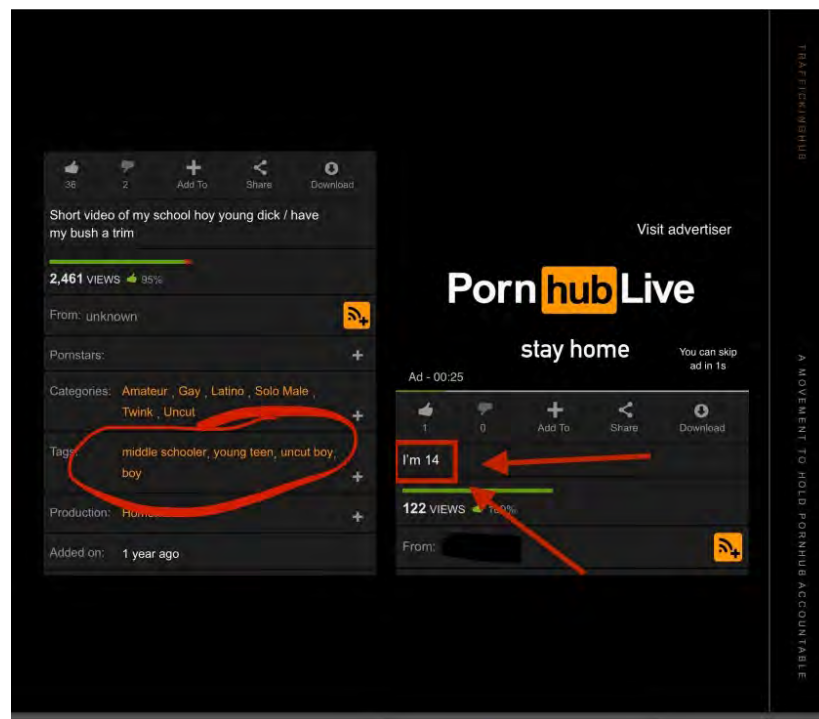
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1 That's 19,800 minutes upload every day, meaning a single moderator is somehow
2 required to view 2,475 minutes per hour.

3 91. Defendants know that that is an impossible task, and that it necessarily
4 leads to moderators quickly fast forwarding through, or even skipping videos/images
5 entirely.

6 92. But Defendants' business model profits from sexual videos and images
7 featuring underage victims, and Defendants' claim that it acts "swiftly and promptly"
8 when users violate its Terms of Service is belied by the many stories of victims whose
9 photos and videos have been streamed on Pornhub for years with no action.

10 93. Moderators have reviewed and approved videos with CSEM, including
11 videos that say "I'm 14" and have tags like "middle schooler," "young teen," "boy,"
12 and "uncut boy."⁴²



42 <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>

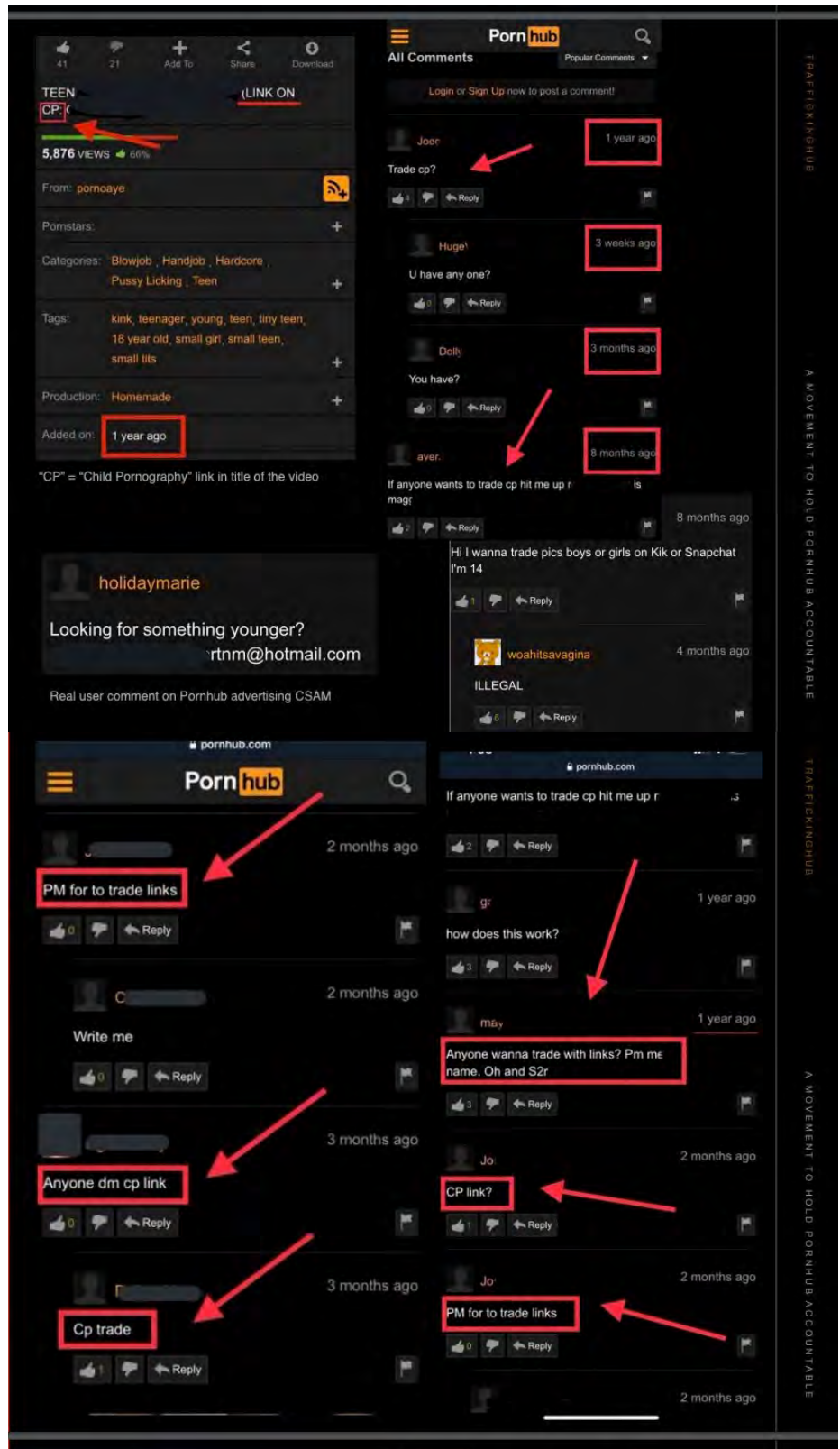
1 94. Notably, on Pornhub’s Modelhub page, Defendants advertise their
2 ability to use DMCA and fingerprinting to protect pirating of videos. Meaning, when
3 it comes to preserving revenue, Defendants have long since demonstrated both an
4 interest and technical ability to monitor and protect against access. Despite being
5 fully aware of the problem of child trafficking, until very recently, Defendants did
6 not employ similarly advanced methods to filter for underage or other illegal
7 content.⁴³

8 **3. Child Sex Trafficking is Distributed and Monetized on**
9 **Pornhub**

10 95. Countless videos have been labeled on Pornhub as “CP,” which is a
11 well-known abbreviation for child porn, sometimes featured in the title of the video
12 that was reviewed by moderators. There are also many examples of users offering to
13 trade child porn with one another on the site.⁴⁴

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26 ⁴³ https://www.pornhub.com/partners/models?_ga=2.200643118.1816855087.1613736072-62734983.1613736072

27 ⁴⁴ [https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-](https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf)
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1 **4. Defendants Have Admitted That Videos Featuring Underage**
2 **Persons Are Some Of The Most Popular/Sought-After**
3 **Content In Its Entire Library**

4 96. In its explanation of “How to Succeed,” on Defendants’ Pornhub
5 website, Defendants direct users to use up to 16 tags that describe the video and
6 performers; select up to 8 relevant categories; when applicable, use niche specific
7 categories to ensure content is visible to the “right” fans; write a creative title that
8 describes the scene, and add a stage name to the title of the video. These tactics are
9 all designed to generate as much traffic as possible. The more sensational the video,
10 the more likely it is to be streamed and generate revenues. Defendants’ categories
11 demonstrate how it is specifically targeting viewers who are interested in child
12 pornography, with categories like “teen,” “school,” “babysitter” and “old/young.”⁴⁵
13 On the page explaining video categories, Defendants acknowledged that Teen is one
14 of its most popular categories.⁴⁶

15 97. Defendants’ description of what titles to use similarly reflects their
16 instructions to users to make titles “enticing” so that “users will be curious enough
17 to click!”⁴⁷ For example, in its explanation of a bad vs. good title selection,
18 Defendants describe how adding that a student is a participant in the video will entice
19 users to click.⁴⁸

20 **D. Defendants Know That Its Websites Are Known For Child Sex**
21 **Trafficking Activity**

22 98. This is not a situation where Defendants can credibly claim ignorance.
23 There are numerous ways in which Defendants have been made aware of the fact that
24 its websites have become a go-to home for child pornography and sex trafficking.

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27 ⁴⁵ <https://help.pornhub.com/hc/en-us/articles/115007986887-Video-Categories>

28 ⁴⁶ *Id.*

⁴⁷ <https://help.pornhub.com/hc/en-us/articles/115007986747-Video-Titles>

⁴⁸ *Id.*

1 **1. The Presence Of Child Sex Trafficking Is Obvious From**
2 **Language On Defendants’ Own Websites**

3 99. To start, Defendants need go no further than the language used on their
4 own websites.

5 100. For example, until very recently, a simple search of Pornhub revealed
6 countless examples of the presence—and indeed aggressive marketing—of underage
7 pornography.

8 101. As just one example, the *New York Times* recently reported that, as of
9 December 4, 2020, a search on Pornhub for “girlunder18” led to more than 100,000
10 videos.⁴⁹

11 102. Similarly, as of December 4, 2020, a search on Pornhub for “14yo” led
12 to more than 100,000 videos.⁵⁰ And a search for “13yo” led to approximately
13 155,000 videos.⁵¹ “Girl with braces” turned up 1,913 videos and suggested to also
14 try searching for “exxxtra small teens.”⁵²

15 103. Promoted and suggested search terms on Pornhub demonstrate that
16 Pornhub is enabling sex trafficking. In 2020, promoted and suggested search terms
17 on Pornhub included “young girls,” “middle school girls,” “middle school sex,”
18 “middle schools,” and “middle student.”⁵³

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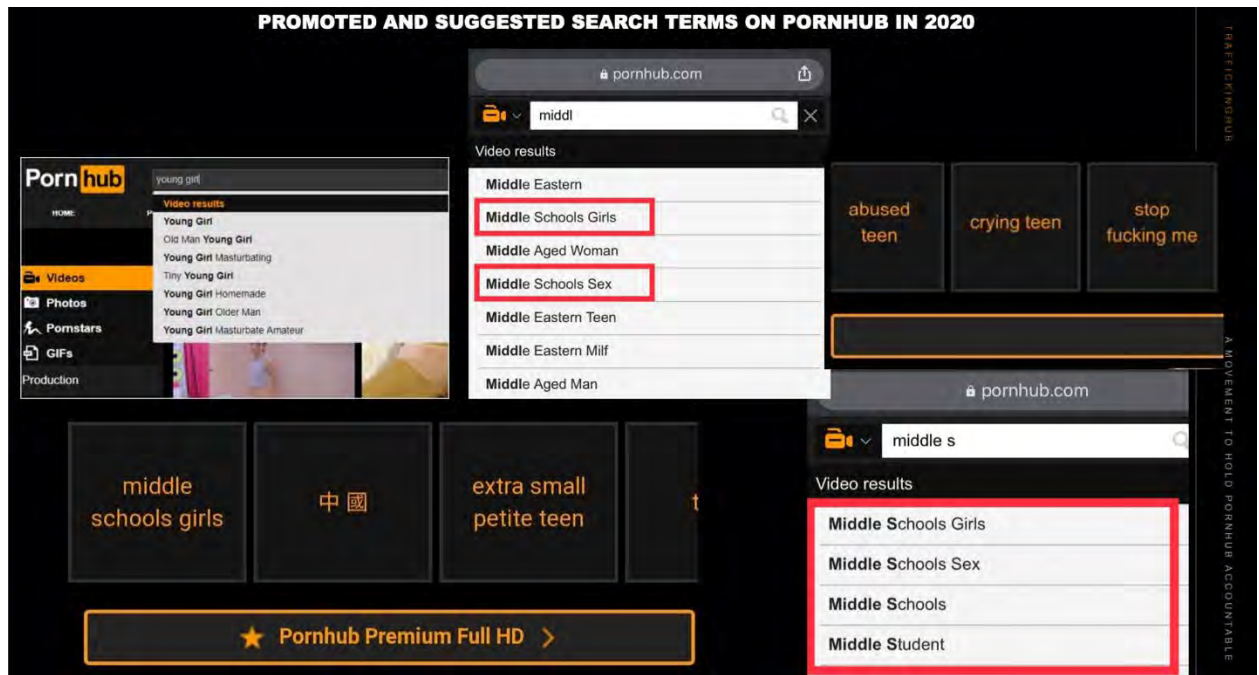
⁴⁹ <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

24 ⁵⁰ <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

25 ⁵¹ <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

26 ⁵² <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

27 ⁵³ <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>



104. The *Sunday Times* similarly reported that, as of November 2019, while Pornhub had blocked users from searching terms such as “underage” and “child porn”, synonyms including “jailbait”, “very young girl”, and “lolita” could still be used to locate content.⁵⁴

105. Beyond the searches, Defendants have allowed members with usernames such as “13yoboyteen” to post videos to Pornhub, and recently promoted “playlists” with names such as “less than18,” “the best collection of young boys” and “under—age.”

2. The Presence of Child Sex Trafficking Has Been Brought to Defendants’ Attention by Law Enforcement

106. Defendants have been made aware of sex trafficking involving their content partners, including GirlsDoPorn and Czech Casting.

107. GirlsDoPorn was a popular content partner of Pornhub where victims of sex trafficking were widely distributed and monetized. Even as of October 2020,

⁵⁴<https://www.thetimes.co.uk/article/unilever-and-heinz-pay-for-ads-on-pornhub-the-worlds-biggest-porn-site-knjzlmwzv>

1 after GirlsDoPorn boss Michael Pratt was charged with federal sex trafficking
2 crimes, a user could search “GDP” on Pornhub and find over 300 videos.⁵⁵

3 108. Similarly, Czech police recently arrested the owners of another Pornhub
4 partner channel, Czech Casting, for sex trafficking. Czech AV, the company running
5 the channel, had almost one billion views on Pornhub.⁵⁶ The women were mostly
6 college students.⁵⁷

7 3. The Presence Of Child Sex Trafficking Has Been Brought 8 To Defendants’ Attention Via Victims

9 109. Victims and their families have also notified Defendants of the presence
10 of child pornography on their websites.

11 110. Serena Fleites. Ms. Fleites, aged just 14, was recorded in a sexually
12 explicit video that was then uploaded to PornHub.⁵⁸ In testimony before the House
13 of Commons ethics committee, she explained; “The titles would always be something
14 like ‘preteen,’ ‘young teen.’”

15 111. Ms. Fleites further testified that it took Pornhub more than a week to
16 remove the video, which it only agreed to do after she was asked multiple times to
17 prove that it was, in fact, her video and that she was underage. As she put it: “It was
18 very obvious it was a child in the video . . . Even if I wasn’t the girl in that video,
19 they could still tell that was a child in that video and they were still dragging out that
20 process.”⁵⁹

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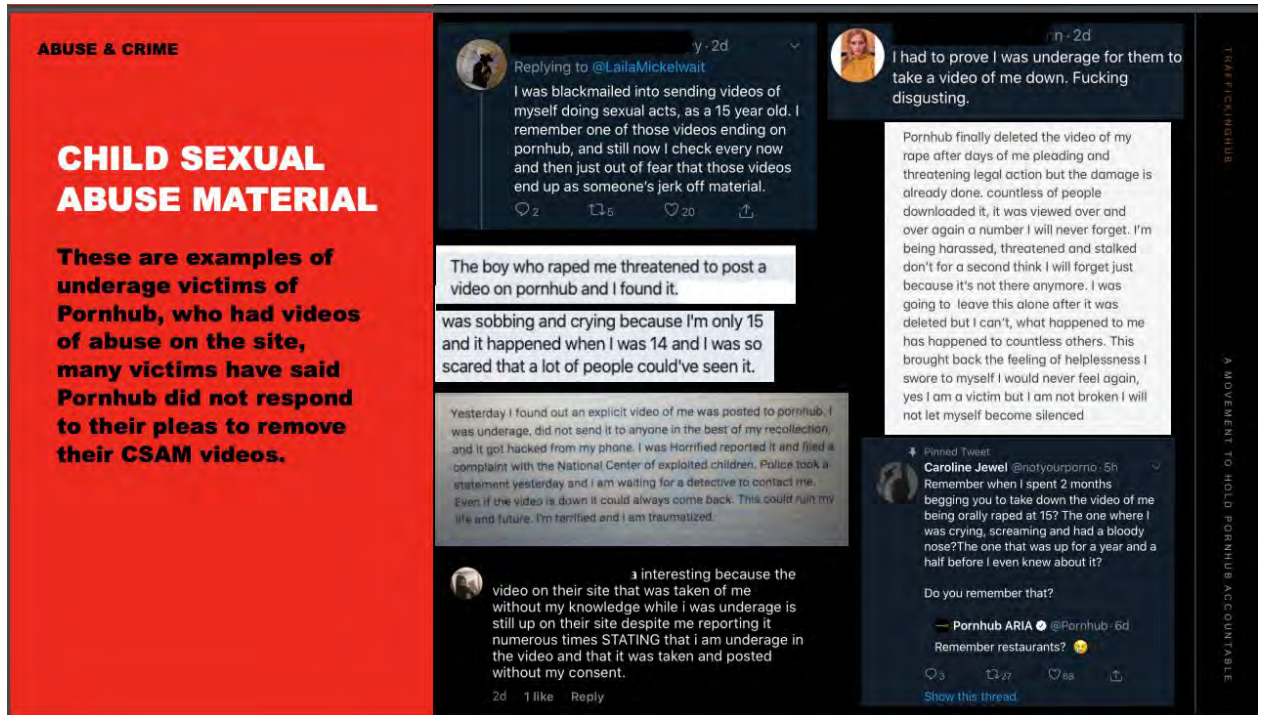
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28 [manipulated-into-porn/](https://praguemorning.cz/czech-casting-women-lured-by-modeling-gigs-manipulated-into-porn/)

⁵⁸ [https://www.thestar.com/news/canada/2021/02/01/child-porn-victim-testifies-](https://www.thestar.com/news/canada/2021/02/01/child-porn-victim-testifies-during-day-1-of-pornhub-discussions-at-committee.html)
during-day-1-of-pornhub-discussions-at-committee.html

⁵⁹ [https://www.thestar.com/news/canada/2021/02/01/child-porn-victim-testifies-](https://www.thestar.com/news/canada/2021/02/01/child-porn-victim-testifies-during-day-1-of-pornhub-discussions-at-committee.html)
during-day-1-of-pornhub-discussions-at-committee.html

112. There are countless instances of users reporting CSEM to Pornhub, with Pornhub failing to take action.⁶⁰



113. MindGeek users have left repeated comments on videos on Defendants' website indicating that the videos feature CSEM. Defendants have discouraged users to report CSEM on their websites to law enforcement authorities.⁶¹

⁶⁰ <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>

⁶¹ See, e.g., <https://financialservices.house.gov/uploadedfiles/hhrg-117-ba10-wstate-mickelwaitl-20210325.pdf>

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The screenshot displays a dark-themed interface with several user comments. On the left, a comment from 'code147' (2 years ago) asks if a girl is old enough to be in a video, calling the video 'prick' and 'abuse'. Below it, 'Zeb50' (3 years ago) says 'Free me please, enough of that' and 'I can't jerk on that, even if she is gorgeous'. Further down, 'luvsasianwhores' (3 months ago) says 'Best part. He should have pulled her hair, choked her a bit the rougher then better. Torture these little fucktoys'. On the right, a comment from 'bluelight6742' says 'Whoa she looks like she's 12.' and another from 'somewhat_angery' says 'SHE LOOKS WAY UNDE***E SMH'. A red text overlay on the right side of the screenshot reads 'REAL USER COMMENTS ON PORNHUB'. The background of the entire image is red with white text.

code147 2 years ago

is this girl even old enough to be up on this type of videos??? that dude looks like a prick.... feeding on the innocent.... this c***d abuse!!! really!

Zeb50 3 years ago

Lool at this face at 5:40, it's says "Free me please, enough of that".
I can't jerk on that, even if she is gorgeous.
Ridiculous depressing channel :/

luvsasianwhores 3 months ago

Best part. He should have pulled her hair, choked her a bit the rougher then better. Torture these little fucktoys

I probably could do without the crying.

Whoa she looks like she's 12.

bluelight6742

Jfc she looks like she's 14

somewhat_angery

SHE LOOKS WAY UNDE***E SMH

REAL USER COMMENTS ON PORNHUB

ENABLING & FACILITATING BAD ACTORS

IGNORING CLEAR WARNING SIGNS FROM USERS

In 2019, 11.5 million comments were made by users about videos on Pornhub.

Many of these comments express distress or concern, flagging what appears to be actual crimes filmed in the videos. Many also demonstrate sadistic, misogynistic, and violent attitudes of malevolent and predatory sexual behavior.

TRAFFICKINGHUB.COM

A CAMPAIGN TO HOLD PORNHUB ACCOUNTABLE

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The screenshot displays a dark-themed interface with several user comments. On the left, a comment from 'seanmahem' (3 years ago) says 'She looks like 14 and I love it'. Below it, 'vitomod' (2 years ago) says 'I honestly believe this is too young. No matter what country'. Further down, 'Minecraftermachine' (6 months ago) says 'She is actually 15.. I know this girl in real life and I also know her dad..'. On the right, a comment from 'pornfire2017' (1 year ago) says 'its a c***d porn'. Below it, 'zxanxxx' (5 days ago) says 'Wtf she's like 15'. Further down, 'M26f28m' (1 year ago) says 'disgusting she looks like a c***d. remove that shit'. Below it, 'Wait that's illegal' (2 months ago) says 'Wait that's illegal'. At the bottom, a comment from 'Had to make an account just to say how SICK this is!' (7 months ago) says 'Had to make an account just to say how SICK this is! KNOW sex trafficking when you see it. She's young, inexperienced and doesn't even seem to understand what is happening to her, yet alone like it. Take this SH*T down!!'. A red text overlay on the right side of the screenshot reads 'REAL USER COMMENTS ON PORNHUB'. The background of the entire image is red with white text.

seanmahem 3 years ago

She looks like 14 and I love it

20

vitomod 2 years ago

I honestly believe this is too young. No matter what country

35

Minecraftermachine 6 months ago

She is actually 15.. I know this girl in real life and I also know her dad..

6

jongen18 1 year ago

I know she looks 13 or something

2

zxanxxx 5 days ago

Wtf she's like 15

0

M26f28m 1 year ago

disgusting she looks like a c***d. remove that shit

42

Wait that's illegal 2 months ago

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Had to make an account just to say how SICK this is! KNOW sex trafficking when you see it. She's young, inexperienced and doesn't even seem to understand what is happening to her, yet alone like it. Take this SH*T down!!

23

REAL USER COMMENTS ON PORNHUB

ENABLING & FACILITATING BAD ACTORS

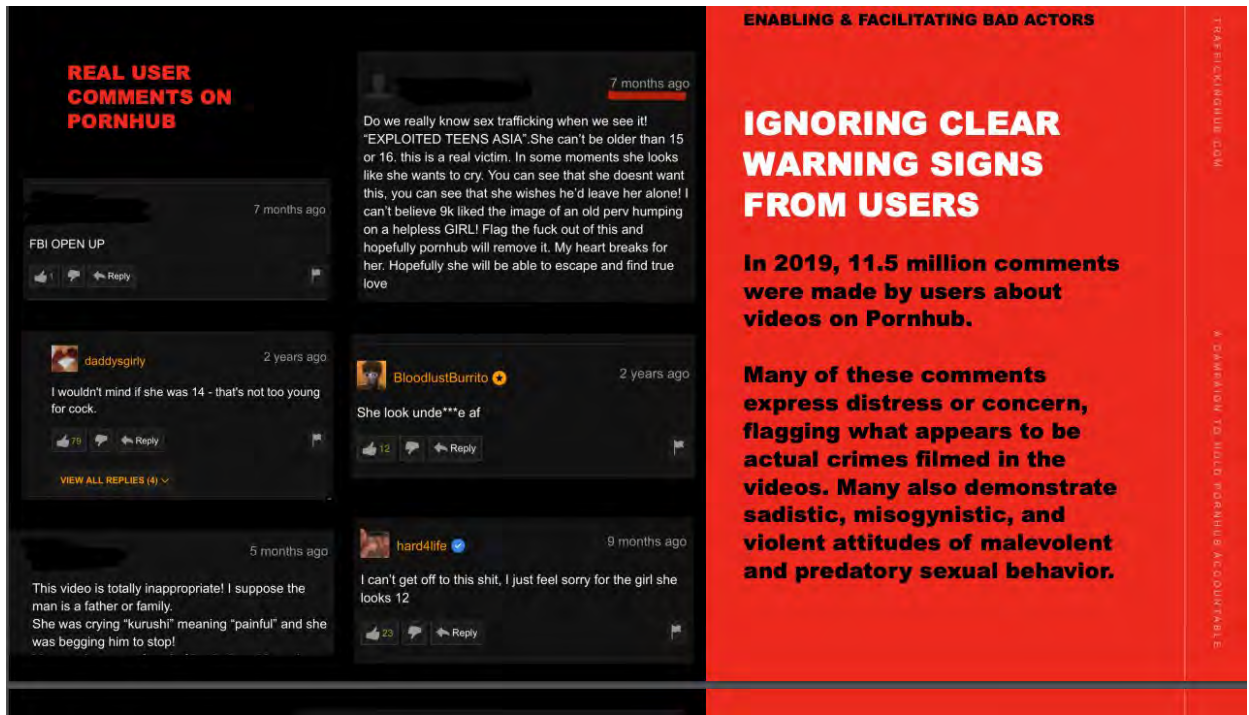
IGNORING CLEAR WARNING SIGNS FROM USERS

In 2019, 11.5 million comments were made by users about videos on Pornhub.

Many of these comments express distress or concern, flagging what appears to be actual filmed crime including CSAM, trafficking and rape.

TRAFFICKINGHUB.COM

A CAMPAIGN TO HOLD PORNHUB ACCOUNTABLE



114. Indeed, although Defendants are required to report CSEM to NCMEC, Defendants have utterly failed to report known instances of CSEM. For example, NCMEC publishes an annual report of reports of incidents of apparent CSEM, and although Defendants’ websites were rife with CSEM at that time, MindGeek and Pornhub made zero reports in 2019.⁶²

4. The Presence Of Child Sex Trafficking Has Been Brought To Defendants’ Attention Via Third-Party Reporting

115. Numerous media outlets have also notified Defendants of the presence of child pornography on their websites.

116. In October of 2018, numerous print outlets ranging from the *New York Post*⁶³ to the *Mercury News*⁶⁴ reported that an investigation was launched after a high school student recognized his classmate—a 14-year-old girl—in a video uploaded to

⁶² <https://www.missingkids.org/gethelpnow/cybertipline>

⁶³ <https://nypost.com/2018/10/26/videos-on-pornhub-showed-female-teacher-having-sex-with-teen-girl-cops/>

⁶⁴ <https://www.mercurynews.com/2018/10/26/pornhub-videos-lead-to-redwood-city-womans-arrest/>

1 Pornhub. The video depicted the young girl being sexually assaulted by a substitute
2 teacher. The classmate notified the principal, who in turn contacted authorities.

3 117. Just one month later, in November 2019, the *Sunday Times* of London
4 published an investigation in which it questioned Pornhub's claim that it "bans
5 content showing under-18s and removes it swiftly."⁶⁵ It reported that, in just minutes
6 of searching on the website, it was able to find dozens of examples of illegal material.
7 Including an entire account called "Candid teen asses," devoted to posting covertly
8 filmed "creepshots" of girls in their school uniforms.⁶⁶ And then there were the
9 videos featuring victims as young as three years old.⁶⁷

10 118. Many of the videos the newspaper located had more than 350,000 views,
11 and had had been on the platform for years.⁶⁸

12 119. Even after the *Sunday Times* flagged certain specific videos for
13 Defendants, three of the worst clips remained on Pornhub some 24 hours later.⁶⁹

14 120. In September 2020, a man in Tuscaloosa was charged with monetizing
15 child exploitation on Pornhub, producing porn involving a 16-year-old girl.⁷⁰ The
16 video was on Pornhub for two years and viewed 2,447 times before it was finally
17 taken down.

18 121. In 2018, Dawn Gianni sexually assaulted a 14-year-old girl and the
19 videos were uploaded to Pornhub.⁷¹

22 _____
23 ⁶⁵ [https://www.thetimes.co.uk/article/unilever-and-heinz-pay-for-ads-on-pornhub-](https://www.thetimes.co.uk/article/unilever-and-heinz-pay-for-ads-on-pornhub-the-worlds-biggest-porn-site-knjzlmwzv)
the-worlds-biggest-porn-site-knjzlmwzv

24 ⁶⁶ *Id.*

25 ⁶⁷ *Id.*

26 ⁶⁸ *Id.*

27 ⁶⁹ *Id.*

28 ⁷⁰ [https://abc3340.com/news/local/pornhub-account-tied-to-tuscaloosa-mans-arrest-](https://abc3340.com/news/local/pornhub-account-tied-to-tuscaloosa-mans-arrest-for-producing-porn-with-a-minor#:~:text=Court%20records%20show%2027%2Dyear,with%20bond%20set%20at%20%2475%2C000.)
for-producing-porn-with-a-
minor#:~:text=Court%20records%20show%2027%2Dyear,with%20bond%20set%
20at%20%2475%2C000.

⁷¹ [https://www.mercurynews.com/2018/10/26/pornhub-videos-lead-to-redwood-](https://www.mercurynews.com/2018/10/26/pornhub-videos-lead-to-redwood-city-womans-arrest/)
city-womans-arrest/

122. News reports also indicated that images of Megan Guthrie when she was 17 years old were featured on Pornhub and her name was trending on the site.⁷²

123. More recently, *New York Times* columnist Nicholas Kristof wrote a lengthy article entitled: “The Children of Pornhub: Why does Canada allow this company to profit off videos of exploitation and assault?” That article is described in more detail below.

5. The Presence of Child Sex Trafficking Has Been Brought To Defendants’ Attention Via Advocacy Groups

124. Numerous advocacy groups have devoted significant resources to bringing attention to the ubiquitous problem of child pornography on Defendants’ various websites.

125. The Internet Watch Foundation, which assesses and works to remove from the internet child sexual abuse images and videos every year, reported that it found 118 instances of child sexual abuse imagery on Pornhub between 1 January 2017, and 29 October 2019.⁷³

126. TraffickingHub has also launched a worldwide campaign to bring attention to Defendants’ bad acts, including gathering over 2 million signatures for a petition to shut down Pornhub and hold its executives accountable for aiding trafficking.⁷⁴

6. The Presence of Child Sex Trafficking Has Been Brought to Defendants’ Attention Via Government-Led Investigations

127. The governments of multiple countries have also become involved in this issue, launching investigations into the Pornhub’s wrongdoing.

128. In the United States, Senator Ben Sasse wrote to U.S. Attorney General Bill Barr, calling for a federal investigation into Pornhub and its owner MindGeek

⁷²<https://www.buzzfeed.com/cameronwilson/tiktok-underage-nudes-leaked-harassment>

⁷³ <https://www.iwf.org.uk/news/pornhub-data-out-of-context-tells-us-nothing>

⁷⁴ <https://traffickinghub.com/>

1 for their involvement in streaming videos of raped and exploited women and
2 children. In his letter he explained:

3 In several notable incidents over the past year, Pornhub
4 made content available worldwide showing women and
5 girls that were victims of trafficking being raped and
6 exploited. Indeed, the problem of Pornhub streaming
7 content featuring women and children victims of sex
8 trafficking reached the point in November that Paypal cut
9 off services for Pornhub, refusing to facilitate this abuse
10 any longer... Pornhub must not escape scrutiny. I
11 therefore request that the Department open an
12 investigation into Pornhub and its parent entity MindGeek
13 Holding SARL for their involvement in this disturbing
14 pipeline of exploiting children and other victims and
15 survivors of sex trafficking.⁷⁵

16 129. The same calls for action are being heard in Canada, where Canadian
17 Members of Parliament from four parties sent an open letter to Canada's Minister of
18 Justice, Attorney General David Lametti, along with Prime Minister Justin Trudeau,
19 demanding a government response to what is happening on Pornhub.⁷⁶

20 **E. The New York Times Investigation**

21 130. Despite their apparent knowledge of this growing problem, for over a
22 decade, Defendants took no action.

23 131. Then, in December 2020, Nicholas Kristof of the *New York Times*
24 published a detailed investigation that chronicled all the ways Pornhub monetizes
25 child rapes and revenge pornography.⁷⁷ "The site is infested with rape videos,"

26 ⁷⁵ https://www.sasse.senate.gov/public/_cache/files/06557325-43d1-4aed-8e34-27cf8cbdfb13/3-10-20-sasse-letter-to-ag-barr.pdf

27 ⁷⁶ <https://twitter.com/ArnoldViersen/status/1331647921692041216?s=20>

28 ⁷⁷ <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

1 Kristof wrote. “It monetizes child rapes, revenge pornography, spy cam videos of
2 women showering, racist and misogynist content, and footage of women being
3 asphyxiated in plastic bags.”

4 132. Kristof wrote that there are more than 6.8 million new videos posted on
5 Pornhub each year, many of which depict child abuse.

6 133. The story referenced a woman named Cali who was forced to appear in
7 pornographic videos beginning at the age of nine, many of which ended up on
8 Pornhub and regularly reappear there. Kristof described how he came across many
9 videos on Pornhub featuring unconscious girls, with rapists opening the eyelids of
10 the victims and touching their eyeballs to demonstrate that they were, in fact,
11 unconscious.

12 134. Kristof wrote: “In the last few days as I was completing this article, two
13 new videos of prepubescent girls being assaulted were posted, along with a sex video
14 of a 15-year-old girl who was suicidal after it went online. I don’t see how good-
15 faith moderators could approve any of these videos.”

16 135. Of course, the problem is that the moderators are not acting in good
17 faith. They are trying to get as much content through as possible to ensure traffic,
18 because traffic equals profits.

19 **F. Financial Institutions Cut Ties with Defendants**

20 136. Kristof’s article called for Visa, Mastercard, and American Express to
21 suspend cooperation with Pornhub. Mastercard launched its own investigation into
22 Kristof’s claims and said it found them to be substantiated. In a statement,
23 Mastercard said: “The use of our cards at Pornhub is being terminated. Our
24 investigation over the past several days has confirmed violations of our standards
25 prohibiting unlawful content on their site. As a result, and in accordance with our
26
27
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1 policies, we instructed the financial institutions that connect the site to our network
2 to terminate acceptance.”⁷⁸

3 137. Visa followed suit. Although its investigation is ongoing, Visa
4 suspended Pornhub’s acceptance privileges while its investigation is underway and
5 instructed the financial institutions who serve Defendants to suspend processing of
6 payments through the Visa network.⁷⁹

7 138. Discover also cut ties with Pornhub. “We require our financial
8 institution partners to monitor for and prevent card acceptance at merchants that
9 allow illegal or any other prohibited activities that violate our operating standards,”
10 Discover said in a statement. “When Discover determines merchants are offering
11 prohibited activity, we promptly terminate card acceptance through the offending
12 merchant's financial institution.”⁸⁰

13 **G. Defendants Remove Millions of Videos from Their Sites**

14 139. Within days of the financial institutions cutting ties with Pornhub,
15 Defendants finally took some action. Most notably, they removed all content
16 previously uploaded to its Pornhub website by unverified users, bringing the total
17 number of videos on that one site down from 13 million to 4 million.⁸¹ On
18 information and belief, they did nothing, however, to confirm that any of the
19 individuals featured in any of the 4 million videos that remained on the website were
20 of consenting adults.

21 140. Defendants also announced that they were removing the ability for users
22 to download content from Pornhub (with the exception of paid downloads from the
23 “verified” Model Program), along with other changes. Despite these announcements,
24

25 ⁷⁸ [https://www.cnn.com/2020/12/14/business/mastercard-visa-discover-](https://www.cnn.com/2020/12/14/business/mastercard-visa-discover-pornhub/index.html)
26 [pornhub/index.html](https://www.cnn.com/2020/12/14/business/mastercard-visa-discover-pornhub/index.html)

27 ⁷⁹ *Id.*

28 ⁸⁰ *Id.*

⁸¹ [https://www.theguardian.com/technology/2020/dec/14/pornhub-purge-removes-](https://www.theguardian.com/technology/2020/dec/14/pornhub-purge-removes-unverified-videos-investigation-child-abuse)
unverified-videos-investigation-child-abuse

1 as evidenced in paragraphs 47-54 above, nothing substantive appears to have
2 changed because the Model Program has no age verification requirement.⁸²

3 **IV. JANE DOE’S EXPERIENCE AS A VICTIM OF DEFENDANTS’ SEX**
4 **TRAFFICKING**

5 141. Jane Doe was in high school when her boyfriend created four videos of
6 the two of them engaging in sexual intercourse. She was sixteen years old at the time
7 the videos were recorded, and some of the videos were recorded without her
8 knowledge let alone consent. She was induced to perform the sex acts depicted in the
9 videos.

10 142. The relationship ended when Jane Doe’s boyfriend pushed her out of his
11 moving car onto the street, dragging her until she was able to free herself.

12 143. After the relationship ended, Jane Doe learned from a mutual friend that
13 her ex-boyfriend has posted multiple videos online of the two of them engaging in
14 sexual intercourse. Jane Doe is clearly identifiable in the videos, which were posted
15 to various websites, including Pornhub.com and Redtube.com, from the period of
16 December 2019 to the present.

17 144. The postings were accompanied by crude, disparaging, misogynistic
18 and/or racist remarks.

19 145. After allowing the videos to be uploaded to Pornhub, Defendants loaded
20 at least one of the videos to Redtube. The video contained the name “teen” in the
21 title, was tagged with the word “teen” and was categorized as “teen” porn to enable
22 users who were interested in child pornography to locate the video. The video has
23 been viewed more than 30,000 times and was featured alongside Traffic Junky
24 advertisements.

25 146. What’s more, not only did Defendants upload this video to Redtube,
26 they actually *featured* it on the front page of Redtube in order to drive traffic.

27
28 ⁸² <https://www.pornhub.com/blog/11422>

1 147. The circulation of the videos and images has caused Ms. Doe great
2 anxiety, distress and sleeplessness. She has had recurring thoughts of contemplating
3 suicide and feelings of hopelessness, resulting in withdrawing from school and
4 seeking therapy. Ms. Doe has spent money on counseling resulting from her distress.

5 148. The videos were on Pornhub for nearly a month before Jane Doe was
6 made aware of them. Ms. Doe immediately reached out to Pornhub to have the
7 videos taken down on March 26, 2020. While Pornhub ultimately removed the
8 videos, they warned Ms. Doe: “We have taken it upon ourselves to fingerprint the
9 content with Vobile on your behalf. This should effectively block future uploads of
10 the videos. Please note that we offer no guarantee. We do not operate the Vobile
11 service. Furthermore we recommend that you educate yourself on their services and
12 the limitations of digital fingerprinting technology.”

13 149. Apparently it is on Ms. Doe to ensure that the videos are never uploaded
14 anew to Pornhub, or any of Defendants’ numerous other websites, again.

15 150. Jane Doe No. 1’s trafficker has victimized other young women as well.
16 After law enforcement authorities arrested her trafficker, they located more than 500
17 images and videos that had been uploaded to Pornhub, Redtube, and other websites.

18 151. Defendants financially benefitted from Jane Doe No. 1’s trafficking in
19 the form of increased traffic and advertising revenue.

20 152. Defendants made money on the videos featuring Ms. Doe’s image and
21 likeness without her permission or consent.

22 153. Ms. Doe suffered economic injury because she was not compensated for
23 Defendants’ use of her image and likeness for commercial gain.

24 **CLASS ACTION ALLEGATIONS**

25 154. Plaintiff brings this action on her own behalf, and on behalf of a class
26 pursuant to Rule 23(a) and (b)(3) of the Federal Rules of Civil Procedure. The Class
27 is defined as:
28

1 all persons who were under the age of 18 when they appeared in a video
2 or image that has been uploaded or otherwise made available for
3 viewing on any website owned or operated by Defendants in the last ten
4 years.

5
6 155. Plaintiff also brings this action on behalf of: all persons residing in
7 California who were under the age of 18 when they appeared in a video or image that
8 has been uploaded or otherwise made available for viewing on any website owned or
9 operated by Defendants in the last ten years (the “California Subclass”).

10 156. The members of the Class are so numerous that joinder of all members
11 is impracticable. While the exact number of Class members is unknown to Plaintiff
12 at this time and can only be ascertained through appropriate discovery, Plaintiff
13 believes that there are many thousand members of the Class. Absent members of the
14 Class may be notified of the pendency of this action using a form of notice similar to
15 that customarily used in purchaser class actions.

16 157. Plaintiff’s claims are typical of the claims of the members of the Class,
17 as all members of the Class were similarly affected by Defendants’ wrongful
18 common course of conduct complained of herein.

19 158. Plaintiff will fairly and adequately protect the interests of the members
20 of the Class and has retained counsel competent and experienced in class action
21 litigation.

22 159. Common questions of law and fact exist as to all members of the Class
23 and predominate over any questions solely affecting individual members of the Class.
24 Among the questions of law and fact common to the Class are:

25 (a) Whether Defendants knowingly benefitted from child
26 trafficking;

27 (b) Whether user-generated uploads on Defendants’ websites
28 feature underage victims;

- 1 (c) Whether Defendants knew or should have known that there were
2 videos and/or images of underage victims on its websites; and
3 (d) Whether Defendants' age verification system prevents users
4 from uploading child pornography.
5 (e) Whether Defendants have earned profits from child trafficking;

6 160. A class action is superior to all other available methods for the fair and
7 efficient adjudication of this controversy, since joinder of all members is
8 impracticable. The damages suffered by individual Class members may be relatively
9 small, the expense and burden of individual litigation makes it virtually impossible
10 as a practical matter for members of the Class to redress individually the wrongs done
11 to them. There will be no difficulty in the management of this action as a class action.

12 **FIRST CLAIM FOR RELIEF**

13 **TRAFFICKING VICTIMS PROTECTION ACT**

14 **18 U.S.C. §§ 1591, 1595**

15 **(Against All Defendants)**

16 161. Plaintiff incorporates each and every allegation set forth above as if fully
17 set forth herein.

18 162. Defendants knowingly used the instrumentalities of interstate commerce
19 to violate 18 U.S.C. § 1595.

20 163. Defendants knowingly benefit from child trafficking by benefitting
21 financially from videos/images viewable on their websites that depict victims who
22 are underage. Defendants make substantial profits with almost three billion ad
23 impressions each day, many of which are attributable to content posted of underage
24 victims.

25 164. Defendants recruit, entice, harbor, transport, provide, obtain, advertise,
26 maintain, patronize, or solicit videos and images depicting CSEM on their websites.

27 165. Defendants knew or should have known that the videos and images
28 featured on their websites depicted CSEM. Defendants have repeatedly been made

1 aware of the child pornography on their websites by victim's complaints, third-party
2 reporting, advocacy groups, and government investigations. Defendants knew or
3 should have known that their websites are known for child sex trafficking based on
4 all of this information.

5 166. Defendants monetized child trafficking on their websites through
6 revenues generated by subscriptions and advertisements.

7 167. Rather than take action to combat the problem of child sex trafficking,
8 Defendants intentionally catered their websites to facilitate sex trafficking and make
9 it easier for traffickers to monetize underage victims in commercial sex acts.

10 168. Defendants not only maintained affiliations with sex traffickers by
11 enabling the posting of child pornography on their websites, they have strengthened
12 those affiliations by making it easier to connect traffickers with those who want to
13 view child pornography. Defendants create playlists that target those interested in
14 child pornography; feature categories on their websites that target users interested in
15 child pornography; instructs users to describe their videos using categories like
16 "teen" to drive traffic; and decline to take down child pornography that generates
17 significant streams.

18 169. Defendants have repeatedly featured victims who have not attained the
19 age of 18 years in videos/images on its websites. The victims have engaged in
20 commercial sex acts because all of the videos featured on its websites generate
21 revenue for Defendants and/or traffickers and depict sex acts.

22 170. Defendants had a reasonable opportunity to observe the victims featured
23 on its websites, including because their moderators had the opportunity to view all of
24 the content posted thereon.

25 171. Defendants' conduct has harmed the Class by causing physical,
26 psychological, financial, and reputational harm.

SECOND CLAIM FOR RELIEF

RECEIPT AND DISTRIBUTION OF CHILD PORNOGRAPHY

18 U.S.C. §§ 2252A, 2255

(Against All Defendants)

172. Plaintiff incorporates each and every allegation set forth above as if fully set forth herein.

173. Defendants knowingly and intentionally offer, operate, maintain and advertise child pornography on their websites. Defendants also knowingly and intentionally encourage traffic on their websites and encourage advertisers to purchase advertisement space thereon.

174. Defendants knowingly received and distributed child pornography depicting Plaintiff and the Class on their websites in violation of 18 U.S.C. § 2252A. Accordingly, Plaintiff and the Class are entitled to bring a civil action under 18 U.S.C. §§ 2252A(f), 2255(a).

175. Defendants' receipt and distribution of child pornography occurred in or affected interstate or foreign commerce.

176. As a proximate result of Defendants' violation of 18 U.S.C. § 2252A, Plaintiff and the Class have suffered serious harm including, without limitation, physical, psychological, financial, and reputational harm.

177. Defendants' conduct was malicious, oppressive, or in reckless disregard of Plaintiff's rights and the Class' rights and Plaintiff and the Class are entitled to injunctive relief, compensatory, liquidated, statutory and punitive damages, and the costs of maintaining this action. 18 U.S.C. §§ 2252A(f), 2255(a).

178. Defendants' liability for knowingly violating 18 U.S.C. § 2252A is not limited by 47 U.S.C. § 230 because nothing in Section 230 "shall be construed to impair the enforcement of [] chapter [] 110 (relating to sexual exploitation of children) [] or any other Federal criminal statute." 47 U.S.C. § 230(e)(1).

THIRD CLAIM FOR RELIEF
DISTRIBUTION OF PRIVATE SEXUALLY EXPLICIT
MATERIALS, CAL. CIV. CODE § 1708.85

(Against All Defendants)

(On behalf of California Subclass)

179. Plaintiff incorporates each and every allegation set forth above as if fully set forth herein.

180. Defendants intentionally distributed child pornography.

181. Plaintiff and the Class did not consent to the online distribution of the videos and images depicting them.

182. Defendants knew Plaintiff and the Class had a reasonable expectation that the videos depicting them would remain private.

183. The videos depicted on Pornhub exposed intimate body parts of Plaintiff and the Class.

184. Plaintiff and the Class were harmed by Defendants' knowing and intentional distribution of child pornography and Defendants' conduct was a substantial factor in causing harm to Plaintiff and the Class.

FOURTH CLAIM FOR RELIEF
VIOLATION OF CALIFORNIA'S UNFAIR COMPETITION LAW ("UCL")

Cal. Bus. & Prof. Code § 17200

(Against All Defendants)

(On behalf of California Subclass)

185. Plaintiff incorporates each and every allegation set forth above as if fully set forth herein.

186. Defendants have violated the UCL by engaging in unlawful, unfair, and fraudulent business acts and practices.

187. Defendants knowingly had inadequate age verification systems in place that enabled users to upload child pornography to Defendants' websites.

1 188. Defendants profited by selling advertising space to display
2 advertisements alongside Plaintiff's and the Class's videos, images, and likenesses
3 without their consent (or the consent of their parents or legal guardians).

4 189. Defendants profited by featuring Plaintiff's and the Class's videos,
5 images, and likenesses without their consent to drive user traffic to their websites.

6 190. Defendants' conduct constitutes an unlawful, unfair, and fraudulent
7 business act and practice.

8 191. Plaintiff and the Class have a financial interest in the use of their videos,
9 images, and likenesses.

10 192. As a result of Defendants' use of their videos, images, and likenesses
11 without their consent, Plaintiff and the Class lost money to which they were entitled.

12 193. As a result of Defendants' use of her videos, image, and likeness without
13 their consent, Plaintiff and the Class suffered financial harm in the form of costs for
14 therapy.

15 194. Plaintiff and the Class seek restitution of all amounts to which
16 Defendants have been unjustly enriched as a result of their unlawful, unfair, and/or
17 fraudulent acts.

18 **FIFTH CLAIM FOR RELIEF**
19 **VIOLATION OF CALIFORNIA'S TRAFFICKING VICTIMS**
20 **PROTECTION ACT**
21 **Cal. Civ. Code § 52.5**

22 **(On behalf of California Subclass)**

23 195. Plaintiff incorporates each and every allegation set forth above as if fully
24 set forth herein.

25 196. By knowingly maintaining and profiting from CSEM on its websites,
26 Defendants have caused minors to engage in commercial sex acts.

27 197. Defendants intend to, and do, distribute CSEM, which depicts minors
28 engaged in and/or simulating sexual conduct, through their websites.

1 198. Defendants' websites are available all over the country, including in
2 California.

3 **SIXTH CLAIM FOR RELIEF**
4 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

5 199. Plaintiff incorporates each and every allegation set forth above as if fully
6 set forth herein.

7 200. Defendants' conduct toward Plaintiff and the Class, as described herein,
8 was outrageous and extreme.

9 201. A reasonable person would not expect a company like Defendants to
10 knowingly tolerate child sex trafficking and pornography on its websites.
11 Defendants' callous indifference to the child sexual abuse occurring on its websites
12 goes beyond all possible bounds of decency.

13 202. Defendants acted with reckless disregard of the likelihood that Plaintiff
14 and the Class would suffer emotional distress, including humiliation and anxiety.
15 Defendants knew, or recklessly disregarded, that Plaintiff and the Class were harmed
16 by the illegal CSEM featuring them on Defendants' websites, but did nothing to help
17 them, and instead tacitly encouraged the proliferation of CSEM on its websites.

18 203. As a direct and proximate result of Defendants' conduct, Plaintiff and
19 the Class suffered severe emotional distress and are accordingly entitled to
20 appropriate damages.

21 204. No reasonable person in Plaintiff's situation would be able to adequately
22 endure the distress engendered by Defendants' profit-driven indifference to, and
23 encouragement of, her plight.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff prays for judgment, as follows:

26 A. Determine that this action is a proper class action under Rule 23 of the
27 Federal Rules of Civil Procedure and appointing Plaintiff's counsel as Class counsel;
28

1 B. Award injunctive relief sufficient to bring Defendants' policies in
2 compliance with applicable law.

3 C. Award compensatory, liquidated, statutory, and punitive damages,
4 disgorgement, and restitution in favor of Plaintiff and the Class against all
5 Defendants, jointly and severally, for all damages sustained as a result of defendants'
6 violations of the law, in an amount to be proven at trial, including prejudgment
7 interest thereon.

8 D. Award Plaintiff and the Class reasonable attorneys' fees, costs and
9 expenses incurred in this action, including expert fees.

10 E. Award such other and further relief as the Court may deem just and
11 proper.

12 Dated: May 5, 2023

13 DAVIDA BROOK
14 KRYSTA KAUBLE PACHMAN
15 TAMAR LUSZTIG
16 HALLEY JOSEPHS
17 AMY B. GREGORY
18 SUSMAN GODFREY L.L.P.

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21 By /s/ Krysta Kauble Pachman
Krysta Kauble Pachman

22 *Attorneys for Plaintiff*

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands trial by jury of all of the claims asserted in this complaint so triable.

Dated: May 5, 2023

DAVIDA BROOK
KRYSTA KAUBLE PACHMAN
TAMAR LUSZTIG
HALLEY JOSEPHS
AMY B. GREGORY
SUSMAN GODFREY L.L.P.

STEVE COHEN
POLLOCK COHEN LLP

By /s/ Krysta Kauble Pachman
Krysta Kauble Pachman

Attorneys for Plaintiff

Exhibit G

JS-5

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SOUTHERN DIVISION**

11 JANE DOE on behalf of herself and all
12 other similarly situated,
13 Plaintiffs,

14 v.

15 MINDGEEK USA INCORPORATED,
16 MINDGEEK S.A.R.L., MG
17 FREESITES LTD (D/B/A PORNHUB),
18 MG FREESITES II LTD, MG
19 CONTENT RT LIMITED, AND 9219-
20 1568 QUEBEC, INC. (D/B/A
21 MINDGEEK),
22 Defendants.

CASE NO. 8:21-CV-00338-CJC-ADS

Judicial Officer: Cormac J. Carney

23 **ORDER LIFTING STAY AND**
24 **ENTERING AMENDED**
25 **SCHEDULING ORDER [98]**

26 The Court, having reviewed the Parties' Joint Motion to Lift the Stay Entered
27 Pursuant to 18 U.S.C. § 1595(b) and Issue an Amended Scheduling Order now
28 ORDERS as follows:

[1] The stay entered on December 28, 2021 (Dkt. #97) pursuant to 18 U.S.C. §
1595(b) is hereby lifted.

[2] All discovery, including discovery motions, shall be completed by March 1,
2024. Discovery motions must be filed and heard prior to this date.

[4] A pretrial conference will be held on **Monday, August 5, 2024 at 03:00 PM**. Full compliance with Local Rule 16 is required.

[5] The case is set for a **jury trial, Tuesday, August 20, 2024 at 08:30 AM.**

[6] The parties are referred to ADR Procedure No. 3 – Private Mediation. The parties shall have until March 15, 2024 to conduct settlement proceedings. The parties shall file with the Court a Joint Status Report no later than five (5) days after the ADR proceeding is completed advising the Court of their settlement efforts and status.

[7] Plaintiff shall have until December 4, 2023 to file and have heard any class certification motion.

IT IS FURTHER ORDERED that the Clerk of the Court shall serve copies of this Order on counsel for the parties in this matter.

IT IS SO ORDERED.

DATED: March 6, 2023



Cormac J. Carney
United States District Judge

Exhibit H

NOTE: CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

JANE DOE on behalf of herself and all
other similarly situated,
Plaintiff,

v.

MINDGEEK USA INCORPORATED,
MINDGEEK S.A.R.L., MG
FREESITES LTD (D/B/A PORNHUB),
MG FREESITES II LTD, MG
CONTENT RT LIMITED, AND 9219-
1568 QUEBEC, INC. (D/B/A
MINDGEEK),
Defendants.

CASE NO. 8:21-CV-00338-CJC-ADS

Hon. Cormac J. Carney

**ORDER RE EXTENSION OF
BRIEFING DEADLINES RELATED
TO PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION**

Discovery Cut-Off: March 1, 2024
Pre-Trial Conference: August 5, 2024
Trial: August 20, 2024

The Court, having reviewed the Parties' Joint Stipulation re Extension of
Briefing Deadlines Related to Plaintiff's Motion for Class Certification now
ORDERS as follows:

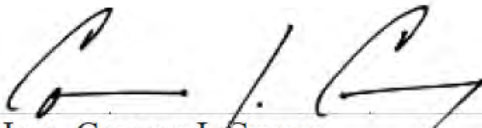
- [1] Plaintiff shall file any class certification motion by August 21, 2023.
- [2] Defendants shall file any opposition to Plaintiff's class certification motion by
October 9, 2023.
- [3] Plaintiff shall file any reply in support of her class certification motion by
October 30, 2023.

1 [4] Plaintiff's motion for class certification shall be heard on November 13, 2023 at
2 1:30 p.m.

3 IT IS FURTHER ORDERED that counsel shall serve copies of this Order on
4 counsel for the parties in this matter.

5
6 **IT IS SO ORDERED.**

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9 DATED: August 14, 2023

10 
11 Hon. Cormac J. Carney
12 United States District Judge
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